639

SUPREME COURT OF THE UNITED STATES.

No. 125.

THE WEST RIVER BRIDGE COMPANY, PLAINTIFF IN ERROR,

vs.

JOSEPH DIX, AND THE TOWNS OF BRATTLEBOROUGH AND DUMMERSTON, IN THE COUNTY OF WINDHAM.

IN ERROR TO THE SUPREME COURT OF JUDICATURE OF THE STATE OF VERMONT.

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UNITED STATES, *ss:*

Writ of Error—Certiorari.

The President of the United States to the judges of the supreme court of judicature of the State of Vermont, begun and holden at New Fane, within and for the county of Windham, in said State, on the third Tuesday next, after the fourth Tuesday of January, being the thirteenth day of February, in the year of our Lord eighteen hundred and forty-four, greeting:

Because that, in the record and process, and also in the rendering of judgment in a suit before you, or some of you, between The West River Bridge Company, a corporation established by the law of said State, plaintiff, and Joseph Dix, of Dummerston, in said county of Windham, and the respective towns of Brattleborough and Dummerston, both in said county of Windham, defendants:

[SEAL.]

In a plea heard and adjudged in said supreme court of judicature, being the highest court of said State in which a decision of the suit could be had, and wherein was drawn in question the validity of a certain statute of the said State, and of an authority exercised under the said State, on the ground of their being repugnant to the Constitution of the United States; and wherein the decision was in favor of such their validity, upon the return of a certain writ of certiorari, issued by said supreme court of judicature, on the fourteenth day of said February, to the clerk of the county court of said county of Windham, whereby was sent and certified to the said supreme court of judicature, a copy of the record of the proceedings and judgment of the said county court, on a certain petition or suit of the said Joseph Dix and others, for the laying and establishing of a certain highway, within the said towns, together with a copy of the files and matters in said county court, pertaining to or touching the said suit, manifest error has intervened, to the great damage of the said West River Bridge Company, as has been stated; and as it is just and proper that the error, if any there be, should be corrected in due manner, and that full and speedy justice should be done to the parties aforesaid in this behalf, you are hereby commanded, that if judgment thereof be given, then, under your seal, you do distinctly and openly send the record and process in the suit aforesaid, with all things concerning them, and this writ, so that you have the same before the chief justice and the associate justices of the Supreme Court of the United States, on the second Monday of January next, at Washington, being the present seat of the National Government, that the record and process aforesaid being inspected, they may cause to be done thereupon, what of right ought to be done.

Witness the honorable Roger B. Taney, esq., chief justice of the said Supreme Court, at Washington aforesaid, this 24th day of May, in the

year of our Lord one thousand eight hundred and forty-four, and of the independence of the United States the sixty-eighth.

EDW'D H. PRENTISS,
Clerk of the circuit court of the United States, for the Vermont district.

Allowed by CH. K WILLIAMS,
Chief Just. Sup. Court of the State of Vermont.

UNITED STATES OF AMERICA, *Vermont district, ss:*

Citation—Certiorari.

To Joseph Dix, of Dummerston, in the county of Windham, and district of Vermont, and the respect ive towns of Brattleborough and Dummerston, both in said county of Windham and district aforesaid, greeting:

Whereas, there has issued from the Supreme Court of the United States, a writ of error, bearing date on the 24th day of May, A. D. 1844, directed to the judges of the supreme court of judicature of the State of Vermont, wherein it is suggested, that in the record and process, and also in the rendering of judgment, in a suit between the West River Bridge Company, a corporation established by law in the said State and district of Vermont, as plaintiff, and you as defendants, in a plea heard and adjudged in said supreme court of judicature of the State of Vermont, upon the return of a certain writ of certiorari, therein mentioned, manifest error has intervened, to the great damage of the said party plaintiff; and the said judges are, by the said writ, commanded, if judgment thereof be given, then, under their seals, distinctly and openly, they send the record and process, in the suit aforesaid, with all things concerning them, together with the said writ, so that they have the same before the chief justice and the associate justices of the Supreme Court of the United States, on the second Monday of January, A. D. 1845, at Washington, being the present seat of the National Government, that the record and process aforesaid being inspected, they may cause to be done thereupon, what of right ought to be done.

You, therefore, the said Joseph Dix, the said town of Brattleborough, and the said town of Dummerston, are hereby notified of said writ of error, and of the filing of the same as aforesaid, and cited to appear, if you see cause, at the said Supreme Court, to be holden as aforesaid, to make answer thereto.

Given under my hand and seal, at New Fane, this twenty-ninth day of May, A. D. 1844, in the sixty-eighth year of the independence of the United States.

[SEAL.]

CH. K. WILLIAMS,
Chief Just. Sup. Court of the State of Vermont.

UNITED STATES, *Vermont district, to wit:*

At Brattleborough, in said district, on 30th day of May, A. D. 1844, I made service of this precept on the within named town of Brattleborough, by leaving a true and attested copy of the same in the town

clerk's office, in the said town of Brattleborough, in the hands of Layfayette Clark, the town clerk of said town of Brattleborough, with this my return hereon thereon endorsed.

And on the same 30th day of May, A. D. 1844, at Dumerston, in said district, I made service of said precept on the said town of Dumerston, by leaving a true and attested copy of the same in the town clerk's office, in said Dumerston, (at the last and usual place of abode of Joseph Duncan, the town clerk of said town of Dumerston,) in the hand of his wife, Medrida Duncan, a person of sufficient discretion, then resident thereat, with this my return hereon thereon endorsed.

And on the same 30th day of May, at said Dumerston, in said district, I made service of this precept on the within named Joseph Dix, by delivering into his hands a true and attested copy of the same, with this my return hereon thereon endorsed.

Attest: BENJ. B. SARGEANT,
Deputy Marshal.

STATE OF VERMONT, *Windham county supreme court:*

[SEAL.] CLERK'S OFFICE,
New Fane, May 29, 1844.

I hereby certify, that the annexed are true copies of the records, files, and proceedings of said court, holden in said county, in the matter of certiorari, Joseph Dix, and the towns of Brattleborough and Dumerston, including the copies of the files and proceedings of the county court, in and for said county of Windham, certified to said supreme court, and now remaining in this office.

In testimony whereof, I hereunto set my hand, and affix the seal of said court, the day and year above written.

Attest: MARSHALL MILLER, *Clerk.*

STATE OF VERMONT:

I, Charles K. Williams, chief justice of the supreme court of judicature of the State of Vermont, do certify, that Marshall Miller, esq., whose signature is affixed to the foregoing certificate, is clerk of said supreme court for the county of Windham, and hath the keeping of the files, records, and proceedings of said court, and of all former supreme courts holden within and for said county; and is, by law, the proper person to make out and certify copies thereof; and that full faith and credit ought to be given to his acts and attestations, done as aforesaid; and that his attestation to the papers hereunto annexed is in due form.

In testimony whereof, I have hereunto set my hand, and caused the seal of the said court to be hereunto affixed, this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and forty-four.

CH. K. WILLIAMS,
Chief Justice Sup. Ct. State of Vermont.

STATE OF VERMONT, *Windham ss:*

Pleas and actions heard and tried, by supreme court of judicature, begun and holden at New Fane, within and for the county of Windham,

on the third Tuesday next after the fourth Tuesday of January, being the thirteenth day of February, in the year of our Lord one thousand eight hundred and forty-four.

Present, hon. Isaac F. Redfield, hon. Milo L. Bennet, hon. William Hibbard, esquires, judges.

Epaphroditus Seymour, of Brattleboro', in the county of Windham, and special attorney and agent of the West River Bridge Company, maketh oath that said company was duly made and constituted a body politic and corporate, with the exclusive privilege of erecting and continuing a bridge over West river, in said Brattleboro', within four miles of the place where said stream unites with Connecticut river, and of taking a certain toll for crossing the same, by an act of the legislature of this State, passed on the 17th day of October, anno domini seventeen hundred and ninety-five, and published by authority of said legislature, in the appendix, page 93, of the revised laws of 1797. That the said corporation became duly organized, and caused said bridge to be erected within the period, and at the place, prescribed by said act, and has ever since kept the same in repair, and taken toll, and in all things conformed to said act. That, in and by said act, the said corporation, and the privileges granted by the same, were chartered and granted for the term of one hundred years, of which forty-eight years had expired on the 16th day of October last passed. That the said corporation erected the said bridge at a place where no bridge or road had been made or erected before said grant, and have been at great expense in making and maintaining said bridge for the accommodation of the public, looking for remuneration therefor to the tolls from time to time received under said grant. That, at a county court, begun and holden at New Fane, in and for said county of Windham, on the second Tuesday of September, anno domini eighteen hundred and forty-two, a petition was presented to said court, signed by Joseph Dix and others, more than seven freeholders and inhabitants of said county, representing that the public highway or stage road leading from the stage house of Henry Smith, in said Brattleboro', through the northern part of said town, and through the town of Dummerston, to the south line of Putney, in said county, had been a subject of complaint, on account of steep and dangerous hills, and the difficulty of keeping the same in repair, and that the public would never be satisfied until said highway should be laid on the best possible route; and that the said toll bridge owned by said corporation was a sore grievance to travellers and inhabitants of towns in the vicinity; and further praying said court for an able, judicious, and disinterested committee, to cause said route to be surveyed, and such alterations and improvements to be made in the old road, or a new one to be laid, as the public good may require; and also to take the real estate, easement, or franchise, of said West River Bridge Corporation, for the purpose of making a free road and bridge across said river. Whereupon said court appointed commissioners to examine the premises, and they decided that a highway ought to be laid out, or alteration made; that they should cause the same to be surveyed, and govern themselves, in all things in the premises, by the statute of this State.

And afterwards, at the term of said court, holden on the third Tuesday of May, anno domini eighteen hundred and forty-three, said commissioners made report to said court that a new road ought to be laid out, over a considerable distance, between the termini mentioned in said petition, and proceeded to lay out and cause to be surveyed the same in alteration of said stage road, but making no alteration of the same until, in proceeding from said Brattleboro' towards said Dummerston, they came to where a certain ferry road, leading to Kune, N. H., intersects said stage road 2 miles beyond said bridge, at which said intersection said commissioners actually begun said survey, and proceeded northerly sixty-six rods in said Brattleboro', and through a certain depression of lands in said Dummerston, known as the Nourse hollow, and on to intersect again said stage road three miles and one hundred and 24 rods and twenty-three links from the south line of said Dummerston, the principal part of said newly surveyed road being nearly parallel with said stage road, except such inflections as were made to enter *to enter* said hollow roads, the hills in said Dummerston, and require said stage road; and further, that such commissioners also proceeded to take into consideration the propriety of laying a free bridge across said toll bridge, and were of opinion that the public good required that the real estate, easement, or franchise of said West River Bridge Corporation, should be taken, and compensation made therefor, for which they assessed to the said company the sum of four thousand dollars, to be paid them out of the real estate of the said town of Brattleboro'; which said real estate, easement, or franchise, was supposed, by said commissioners, to be more particularly described in a deed from Josiah Ames to said company, dated the first day of April, 1799, containing two acres of land, with a covered bridge, gate, toll-house, barn, and other buildings thereon; which said report having been made, the consideration of the same was adjourned, by said court, to the regular term, holden on the third Tuesday of Nov., A. D. 1843; at which last mentioned term such proceedings were had in relation thereto, that the said report was by said court accepted, and the said road or highway, and every part thereof, as described and set forth in said report, decided to be established.

And it was further ordered by said court that said town of Brattleboro' should, by the 31st day of May, 1844, pay to said company the sum of damages assessed by said commissioners; and that said bridge be opened for the public, free travel, by the first day of June, A. D. 1844, as by the records and proceedings of said court will, with many other matters relative thereto, appear. And this deponent further saith, that there is no new road, nor any hills which the said commissioners regarded as sufficiently steep, dangerous, or difficult, to be remedied or avoided within two miles of said bridge, but that said stage road, for more than two miles from said bridge, and from the bank of West River, is nearly level; that said franchise of said corporation was not included in said deed from said Arms, as estimated in said report; that, as he has been advised and believes, the said franchise was taken and assessed without suitable notice to said corporation; and that the said road, through the

Nourse Hollow in said Dummerston, did not open any new source of travel, or pass any considerable number of houses; that the same purports, by the survey of the commissioners, to be merely an alteration of the old road, and that it furnished no security or occasion for taking said franchise, nor was it said by them so to do; but, as this deponent believes, was entirely used as a pretence for taking the franchise of said corporation solemnly granted by the legislature of this State, and on the faith of which grant said company had expended large sums of money; and that the taking of the same was, in this deponent's belief, unjust, illegal, and unconstitutional; and that the proceedings in relation thereto were manifestly erroneous; and the said company ought to be relieved therefrom.

EPAPHRO'S SEYMOUR.

Subscribed and sworn to, this 12th day of Feb., A. D. 1844, before me,
HENRY SMITH,
Justice of the peace.

THE WEST RIVER BRIDGE CO.
vs.
JOSEPH DIX & OTHERS.

The said West River Bridge Company appear, by Bradley & Walker & Wm. C. Bradley, their attornies, and file in court the following motion, to wit:

WINDHAM, *ss:*

In supreme court, February term, 1844.

Upon reading the oath of Epaphroditus Seymour, of Brattleboro', in said county, treasurer and attorney for the West River Bridge Company, whereby it sufficiently appears to the court here that, in the record and proceedings of the county court in and for the county of Windham, at the term of said last mentioned court, holden at Newfane, in said county, on the third Tuesday of November, anno domini eighteen hundred and forty-three, in and concerning a certain petition entered and pending in said court, of Joseph Dix, of Dummerston, in said county, and others, for the laying out or altering a certain highway leading from the inn or dwelling-house of Henry Smith, of Brattleboro', in said county, over and across the bridge, near the mouth of West River, in said Brattleborough, owned by the West River Bridge Company, through the Nourse Hollow, so called, in said town of Dummerston, to the south line of Putney, in the same county, and for taking the real estate, easement, or franchise of said West River Bridge Company, and in and concerning the report of the commissioners appointed by said court on the petition aforesaid, and also in the final order of said court thereupon, manifest error hath happened, to the great injury of the said West River Bridge Company.

It is ordered that a writ of certiorari issue from this court to the clerk of the said county court, commanding him to certify forthwith to this court, at the present term thereof, the record and proceedings aforesaid,

together with copies of the evidence filed in the said case in the said county court, and the final order therein, with all things touching them, that the same may be inspected by the court, and justice done thereon.

Upon motion of Jonathan D. Bradley and William C. Bradley, attornies of said West River Bridge Company. By the court.

To Joseph Dix of Dummerston, and to the towns of Brattleboro' and Dummerston, in the county of Windham.

Take notice. The above rule will be moved for at the term of the supreme court next to be holden at Newfane, in and for the county of Windham, on the second Tuesday of February next; and you are served with the same to the intent that you may then and there appear and shew cause against the granting thereof.

JONATHEN D. BRADLEY,
WM. C. BRADLEY,
Attornies of the West River Bridge Company.

Brattleboro' Jan'y 4th, 1844.

WINDHAM COUNTY, *ss:*

BRATTLEBORO', *Jan'y 9th*, 1844.

Then, by virtue of the within precept to me directed, I made service of the same, by giving to Joseph Dix within named, and to Joseph Duncan, the town clerk of Dummerston, and Stephen Greenleaf, the town clerk of Brattleboro', each true and attested copies of this notice, with this my return hereon thereon endorsed.

Attest: CHS. CHAPIN, *D. Sheriff.*

Fees: Travel, 25 ms.	-	$1 50
3 copies -	-	1 50
		$3 00

To the clerk of the county court of the county of Windham, greeting:

Whereas, there are remaining in the said court the record and proceedings thereof, in a certain case on the petition of Joseph Dix and others, for the laying and establishing a highway from the dwelling-house of Henry Smith in Brattleboro', in said county of Windham, to the south line of Putney, in said county, in which said record and proceedings, as is said, manifest error has supervened. Therefore, being willing, for certain reasons and causes, to be certified of the same—

By the authority of the State of Vermont, you are hereby commanded to send the copy of said record and proceedings, and the files and matters pertaining thereto, or touching the same, by whatever name the parties may be called therein, to the supreme court holden at New Fane, in and for said county of Windham, at their present regular term, in the month of February, A. D. 1844, so fully and entirely as the same remains with you, together with this writ, that the said supreme court may further do thereupon what shall seem right to be done.

Given under my hand, by order of court, this 14th day of February, A. D. 1844.

MARSHALL MILLER, *Clerk.*

STATE OF VERMONT:

SUPREME COURT, CLERK'S OFFICE,
Windham county, Feb'y 14th, 1844.

In obedience to the within writ, the clerk of the said county court has certified to me the within mentioned copies and files, which are hereunto annexed.

Attest: MARSHALL MILLER, *Clerk.*

The defendants appear by Daniel Kellogg and John Kimball, their attornies.

And now, the said rule having been granted, nisi, &c., and notice thereof having been duly given to the said Joseph Dix, and to the said respective towns of Brattleboro' and Dummerston, the said motion came on to be heard, and upon the hearing of the said parties, it was ordered that the same be made absolute; and thereupon a writ of certiorari issued, agreeably thereto, directed to the clerk of the county court in and for the county of Windham, commanding him, without delay, to send to the court here the copy of the said record and proceedings in said cause mentioned in said order, and the files and matters pertaining thereto, or touching the same; and the said clerk of the said county court, in obedience thereto, duly certified the said copies and files which are now on file in this court, and contained in a schedule in said cause.

And now, on the return of the said writ, the said record and proceedings being brought into this court, the said West River Bridge Co., by their said attornies, appear and shew to the court here, that the said petition of the said Joseph Dix, and others, to the said county court, and the proceedings of the said county court thereon, so far as they relate to the taking of the said franchise of the said West River Bridge Co., and to the laying out of a free public highway over and upon the said toll bridge of the said corporation, were and are wholly founded upon the authority of a certain statute law of this State, passed by the legislature thereof on the 19th day of November, A. D. 1839, entitled "An act relating to highways," in and whereby it was enacted and provided, that "whenever there shall be occasion for any new highway in any "town or towns in this State, the supreme and county courts shall have "the same power to take any real estate, easement, or franchise of any "turnpike, or other corporation, when, in their judgment, the public good "requires a public highway, which such courts now have by the laws of "this State, to lay out highways over individual or private property; "and the same power is granted, and the same rules shall be observed, "in making compensation to all such corporations and persons where es-"tate, easement, franchise, or rights shall be taken, as are now granted "and provided in other cases; provided, that no such real estate, ease-

" ment, or franchise, shall be taken in the manner, and for the purposes " aforesaid, unless the whole of such real estate, easement, or franchise " belonging to said corporation shall be taken, and compensation made " therefor."

And the said West River Bridge Co. further show to the court here, for cause of error in the said proceedings of the said county court, and in addition to their exceptions stated in the said record to the report of the said commissioners therein set forth, which exceptions are here renewed and insisted upon by the said corporation, as valid exceptions to the said report, and to all the proceedings of the county court in the premises—

First. That the said statute of this State having been enacted long after the said grant by the same State of the said franchise of toll to the said West River Bridge Corporation, and long after the said grant was accepted and acted on by the said corporation, is of no validity for the purpose of authorizing the taking of the said franchise against the consent of said corporation, or the laying out of a free public highway over and upon the said bridge, on the ground that the said statute, if it purports to authorize the proceedings aforesaid, is a violation of the contract of this State with the said corporation, and is therein repugnant to that clause of the Constitution of the U. S., which provides that no State shall pass any law impairing the obligation of contract.

Secondly. That inasmuch as it is apparent upon the said record, and proofs filed in said cause, copies of which are hereunto annexed, that there is no occasion for any new highway within the said town of Brattleborough near said bridge; and that now [a] new highway is in fact laid out, or adjudged to be laid out, within the distance of two miles from either terminus of said bridge; and that the damages awarded to the said West River Bridge Co. are grossly inadequate as a compensation for the value of the corporate franchise, and other property adjudged to be taken—the taking of the said franchise, and laying out of the said free public highway over and upon the said bridge, by the judgment of the said county court under such circumstances, a mere evasion under color of law of the said provision of the Constitution of the United States, and an exercise of authority under this State which is wholly invalid as against the said West River Bridge Co., on the ground of its being repugnant to the constitutional provisions aforesaid. And the said Joseph Dix and others appear, by their said attornies, and deny that the said statute of this State is repugnant to the Constitution of the U. S. in the matter aforesaid; and further deny, that any authority has been claimed or exercised in the premises under this State which is repugnant to the said Constitution, in manner and form as the said West River Bridge Co. have thereof above respectively alledged, and insist that no just cause of exception to the said proceedings of the said county court appears by the said record, as has been otherwise shown.

And thereupon, after hearing the respective parties, by their counsel, upon their respective allegations, and the said exceptions in said record contained, it is considered, ordered, and adjudged by the court here, that

the statute aforesaid was and is valid, for the purpose of taking the said franchise, and laying out the said free public highway over and upon the said bridge; and that the same was and is in no wise repugnant to the Constitution of the United States; and that the said proceedings of the said county court were a lawful exercise of the authority of the State under the said statute, and neither repugnant to nor an evasion of the provisions of the said Constitution; and that there is no error in the record and proceedings aforesaid; and that the said defendant parties recover their costs.

STATE OF VERMONT, *Windham county, ss:*

Pleas and actions heard and tried by the county court, began and holden at Newfane, within and for the county of Windham, on the second Tuesday, being the thirteenth day of September, in the year of our Lord one thousand eight hundred and forty-two.

Present, hon. Charles K. Williams, chief judge, hon. Henry Wheelock, hon. William R. Shafters, assistant judges.

JOSEPH DIX and others, petition for road,
vs.
Towns of Dummerston, Brattleboro' and West River Bridge Company.

The petition of Joseph Dix and others, being more than seven freeholders and inhabitants of said county of Windham, praying for the appointment of commissioners, to cause the route to be surveyed as described and set forth in said petition, as by said petition on file, was presented and placed upon the files of said court. The petitioners appear by John Kimball, their attorney. The town of Brattleboro' appears by J. D. Bradley, their attorney. The town of Dummerston and said West River Bridge Company, though duly cited, do not appear.

Whereupon, it is considered by the court, no sufficient cause being shown to the contrary, that the prayer of the petitioners be granted. It is ordered by the court that Thomas F. Hammond, Julius Converse, and Isaac N. Cushman, disinterested freeholders, be and hereby are appointed commissioners, who will notify the parties, and also the persons owning or interested in lands through which the highway may be laid, of the time and place of examination and hearing, and that they proceed to examine the premises as described and set forth in said petition, and if they decide that a highway ought to be laid out, or alterations, that they cause the same to be surveyed, and that they govern themselves in all things in the premises by the statute of this State in such case made and provided, and that they make report of their doings to this court at the next term, and that this cause be continued until the next term.

STATE OF VERMONT, *Windham, ss:*

Pleas and actions heard and tried by the county court began and holden at Newfane, within and for the county of Windham, on the last Tuesday, being the thirtieth day of May, in the year of our Lord one thousand eight hundred and forty-three.

Present, hon. Isaac F. Redfield, chief judge, hon. William R. Shafter, hon. John Smith, assistant judges.

JOSEPH DIX and others, petition for a road,
vs.
The towns of Dummerston, Brattleboro', and the West River Bridge Corporation.

The parties appear. It is ordered by the court, and by the agreement of the parties, the commissioners heretofore appointed in the cause having made their report, that this cause be continued to the next term.

STATE OF VERMONT, *Windham, ss:*

Pleas and actions heard and tried by the county court began and holden at Newfane, within and for the county of Windham, on the third Tuesday, being the twenty-first day of November, in the year of our Lord one thousand eight hundred and forty-three.

Present, hon. Charles K. Williams, chief judge, hon. William R. Shafter, hon. John Smith, assistant judges.

JOSEPH DIX and others, petition for road,
vs.
The towns of Dummerston, Brattleboro', and the West River Bridge Company,

The parties appear as at the last term. The commissioners heretofore appointed upon the petition of Joseph Dix and others, being more than seven freeholders and inhabitants of said towns in said county of Windham, praying for the appointment of a committee to cause said road to be surveyed, and such alterations and improvements to be made in the old road, or a new road to be laid, as the public good may require. And also to take the real estate, easement, or franchise of the West River Bridge Company, &c., as described and set forth in said petition,—presented their report in writing to this court at a term thereof, began and held at Newfane, within and for the county of Windham, on the last Tuesday of May, in the year of our Lord one thousand eight hundred and forty-three; and this cause was by order of said court continued until the present term.

And now the petitioners appear by John Kimball and Asa Keyes, their attorneys, and the towns of Brattleboro', Dummerston, and the West River Bridge Company, appear by Bradley & Walker, and William C. Bradley, their attorneys, and file exceptions to the acceptance of said report.

Which petition, report, and exceptions are in the words, letters, and figures following, to wit:

To the hon. the county court next to be holden at Newfane, within and for the county of Windham, on the second Tuesday of September next, the petition of the undersigned inhabitants and freeholders of said county, respectfully represents:

That the public highway or stage road, leading from the stage house

of Henry Smith, in Brattleboro', through the northerly part of said town, and through the town of Dummerston, to the south line of Putney, in said county, has for a long time been a subject of great complaint, both on account of the steep and dangerous hills, and the great difficulty of keeping the same in repair, as now travelled. That various and repeated attempts have been made to improve the same, with little success. Your petitioners further represent, that from actual survey and admeasurement, they are confident a highway may be laid between said termini, and made at a moderate expense, which will avoid most of the hills and be perfectly satisfactory to the public. Your petitioners are aware that some alterations have recently been made on said route by a committee of this court, upon the petition of Paul Chase and others, and that indictments are now pending against said towns for not making the same; but your petitioners believe that said committee, in ordering said alterations, are influenced by the solicitations of interested individuals, rather than the public good, and that if said alterations are worked, they would form but little improvements, and that the public will never be satisfied until said highway is laid on the best possible route; and further, that it will cost as much to make said alterations, (which we consider to be useless,) as it will to make a good travelling road on the route contemplated by the petition.

And your petitioners further represent, that the toll bridge across West River, on said route in Brattleboro', owned by the West River Bridge Corporation, is, and for a long time has been, a *sore grievance*, both to the traveller and the inhabitants of the towns in the vicinity, who have occasion to pass and repass, travel and labor, on said highway; and however the legislature in the infancy of the State may have exercised a sound discretion in granting said toll bridge, yet, in the present improved and thriving condition of the inhabitants, your petitioners are unable to discover any good reason why said *grievance* should longer be endured, or why the wealthy town of Brattleboro' should not, as well as other towns much less able, sustain a free bridge across West River. Your petitioners therefore pray the court, by an able, judicious and disinterested committee, to cause said route to be surveyed, and such alterations and improvements to be made in the old road, or a new one to be laid, as the public good may require; and also to take the real estate, easement, or franchise of the "West River Bridge Company," a corporation owning the aforesaid toll bridge, for the purpose of making a free road and bridge across said river, agreeable to the statute in such case made and provided; and as in duty bound will ever pray.

August 25, 1842.

Joseph Dix,	Joseph Bemis,	Reuben Jones,
Sewall Baldwin,	Edwin B. Bemis,	Gideon Cudworth,
Aaron M. Winslow,	Ithaman C. Wilder,	John Cudworth,
George Bacon,	Rufus Hadley,	Joslyn Cudworth,
Eben. Hodgkin,	Wilson Hadley,	Alanson Davis,
Artemas Knight,	Clark Rice,	M. A. Edwards,
Chs. S. Houghton,	Stephen Dutton,	Isaac Reed, Jr.

Mason Droun,	Asa Dutton,	Lewis Fowler,
Manslow Houghton,	Roswell Sargent,	Asa Gates,
John B. Miller,	Joel Knight,	Shepard Gates,
Asa Boyden,	William Dickinson,	David Read,
Wm. Cook,	Franklin Crosby,	John S. Gates,
Artemas Dickerson,	Jos. Crosby,	Alexander Gates,
Luke T. Bond,	Henry Boyden,	Eben. Lovell,
Loyal Smith,	Horace Black,	John H. Stoddard,
Luther Read,	H. H. Barton,	Perry Knight,
John H. Noyes,	Wm. Houghton,	John Black.
Phineas Underwood,	Mark C. Read,	
John K. Harding,	James Low,	

Report.

To the hon. the county court next to be holden at Newfane, within and for the county of Windham, on the third Tuesday in May, in the year of our Lord one thousand eight hundred and forty-three.

The undersigned, commissioners appointed by said court at their September term, in eighteen hundred and forty-two, on the petition of Joseph Dix and others, having given notice to the selectmen of the towns of Brattleboro' and Dummerston, and to the West River Bridge Corporation, by letters directed to said selectmen, and to the clerk of said West River Bridge Corporation, of the time and place when and where they would attend to the duties of their appointment; and in accordance with said notice, the commissioners met at the inn of John Black, in Putney, on the 26th day of October, 1842; at which time the petitioners appeared by themselves and by their attorneys, John Kimball and Asa Keyes, esquires, and the towns of Brattleboro' and Dummerston appeared by their selectmen, and by J. D. Bradley, esquire, their attorney, but the West River Bridge Corporation did not appear.

The commissioners then proceeded to examine the route for a new and better road, as set forth in said petition, between the stage house of Henry Smith, in the village of Brattleboro', through the easterly part of the towns of Brattleboro' and Dummerston, to the south line of the town of Putney, and were unanimously of opinion that a new road ought to be laid out over a considerable portion of the distance between the termini mentioned in said petition.

They, therefore, proceeded to lay out said road, and cause the same to be surveyed, and to notify the land owners, that they might be heard in the assessment of damages to individuals, and to discontinue certain old roads, which survey, assessments of damages to individuals, and discontinuance of old roads, is herewith returned, marked "*A.*"

The said commissioners also examined the toll bridge across West River in Brattleboro', and have taken into consideration the propriety of laying a free road across said bridge at the expense of said town of Brattleboro', as contemplated by said petition; and in this the said commissioners were unanimously of the opinion that public good required that the real estate, easement, or franchise of the West River Bridge

Corporation should be taken, and compensation made therefor, that said toll bridge might, thereafter, become a free bridge. The said commissioners have, therefore, assessed to the said West River Bridge Corporation the sum of four thousand dollars, to be paid to the said West River Bridge Corporation out of the treasury of said town of Brattleboro', in full compensation for all real estate, easement, or franchise, belonging to said corporation, which real estate, easement, or franchise is situate in said town of Brattleboro', near the mouth of West river, and is supposed to be more particularly described in a deed from Josiah Ames to the West River Bridge Company, dated on the first day of April, in the year seventeen hundred and ninety-nine, and recorded in Brattleboro' records of deeds, liber D, page 203, containing two acres of land, be the same more or less, with a covered bridge, gate, toll-house, barn and other buildings thereon.

THOMAS F. HAMMOND,
JULIUS CONVERSE,
ISAAC N. CUSHMAN,
Commissioners.

Costs taxed and allowed by said commissioners.

Thomas F. Hammond, 9 days at 3 00 per day	$27 00	
Horse and carriage 50 miles, 5; expenses 11	16 00	
Making this report, and survey marked "A" -	7 00	
		$50 00
Jnlius Converse, 7 days at 3 00 per day -	21 00	
Expenses and stage fare - - -	11 00	
		32 00
Isaac N. Cushman, 9 days at 3 00 per day -	27 00	
Horse and carriage 50 miles, 5; expenses 13 -	18 00	
		45 00
Chipman Swain and Jos. Goodhue, carrying chain and expenses, 5 dolls. each - - - - -		10 00
Geo. Clark, 2 00; Saml. Knight, 2 days and expenses -		5 00
Loyal Smith, notifying land owners - - -		3 00
Amount - -		$145 00
Of this sum of one hundred and forty-five dollars, it is the opinion of the commissioners that Brattleboro' ought to pay - - - - -	$72 50	
And Dummerston - - -	72 50	
		$145 50

Jan'y 26, 1842.

THOMAS F. HAMMOND,
JULIUS CONVERSE,
ISAAC N. CUSHMAN,
Commissioners.

A.

Survey of a road in Brattleboro' and Dummerston, in the county of Windham, and State of Vermont, in alteration of "the public highway or stage road, leading from the stage house of Henry Smith, in Brattleboro', through the northerly part of said town, and through the town of Dummerston, to the south line of Putney, in said county," as laid out by Thomas F. Hammond, Julius Converse, and Isaac N. Cushman, commissioners, duly appointed to that service by the honorable the county court for the said county of Windham, at their September term, in the year of our Lord one thousand eight hundred and forty-two, on the petition of Joseph Dix and others:

Beginning at the said stage-house of Henry Smith, in the village of Brattleboro'; thence northerly, following the said public highway or stage road, crossing West river, on the bridge owned by the West River Bridge Corporation; and continuing on said stage road, thence north, alteration of the same, to the north line of land of Eli Sargeant, in Brattleboro', where the road leading to Norcross ferry takes its departure from said stage road; thence north 34° east, 16 rods, in the centre of said stage road; thence north 3° east, 75 rods, on land of Church Miller, 50 rods of which is in Brattleboro', and 25 rods in Dummerston, to a stake in the old road leading from said stage road to the dwelling-house of Eppa Cone; thence N. 8° E., 37 rods, to a bar-post on land of said Cone; thence N. 12° and 30 minutes E., 10 rods, to a stake; thence N. 25° E., 10 rods, on the E. side of said Cone's pond; thence N. 22° E., 8 rods, on the E. side of said pond; thence N. 26° E., 6 6 rods, on the E. side of said pond; thence N. 21° and 30′ W, 13 rods, to a maple tree; thence N. 8° W., 4 rods, to a stake; thence N. 19° E., 20 rods and 11 links, to a beech tree; thence N. 4° E., 31 rods and 7 links, to a stake on land of David Bemis; thence N. 32° E., 32 rods and 13 links, to a stake; thence N. 10° E., 41 rods, on the bank of a brook; thence N. 36° and 30′ W., 5 rods, crossing said brook on land of the widow of Rufus Sargent, to a stake on the W. side of said brook; thence N. 11° E., 19 rods, to a maple tree; thence N. 11° W., 11 rods, to a stake on the bank; thence N. 49° E., 12 rods, on land of the widow of James Sargeant, to a stake in the field; thence N. 16° E., 36 rods, on land of the said last mentioned widow, passing W. of her dwelling-house to a stake; thence N. 4° E., 71 rods, on the land of said widow, and on land of the widow Abigail Hildrith, crossing the road leading by the dwelling-house of the said last named widow, to a stake; thence N. 9° and 30′ E., 18 rods, to a large maple tree; thence N. 11° and 30′ E., 16 rods, to a stake; thence N. 19° and 30′ W., 4 rods, crossing a small brook, to a stake on the W. side thereof; thence N. 8° E., 34 rods, to a stake on land of Joseph Nurse; thence N. 25° E., 12 rods, to a stake; thence N. 6° E., 24 rods, to a stake; thence N. 38° and 30′ E., 8 rods, to a stake; thence N. 50° E., 9 rods, to a stake; thence N. 69° E., 5 rods, crossing said small brook to a stake on the E. side thereof; thence N. 30° E., 17 rods, to a stake; thence N. 15° E., 11 rods, to a stake;

thence N. 40° E., 17 rods, to a hemlock tree on land of said Nurse; thence N. 40° E., 8 rods, to a beech tree; thence N. 10° E., 15 rods, to a pine tree; thence N. 8° E., 8 rods, to a stake; thence N. 38° E., 6 rods, to a stake; thence N. 15° E., 15 rods, to a stake, *to a stake;* thence N. 25° E., 14 rods, to a stake; thence N. 4° E., 11 rods, to a stake; thence N. 24° E., 30 rods to a stake; thence N. 29° E., 20 rods, on lands of said Nurse and Luther Allyn, to a stake; thence N. 15° E., 34½ rods, to the centre of the road leading from "Slat Hollow," to the inn of the said Allyn; thence N. 85° W., 24 rods, in said last mentioned road; thence N. 81° W., 8 rods, in said road; thence N. 59° W., 28 rods and 16 links, in said road; thence N. 20° W., 24 rods, in said road; thence N. 10 rods, in said road; thence N. 31° W., 11 rods, to the south abutment of the bridge at "Slat Hollow;" thence N. 9° E., 10 rods, crossing said bridge, to the centre of the road leading to the meeting-house in said Dummerston; thence S. 72° E., 8 rods, in the old road; thence S. 59° E., 44 rods, in the old road through "Slat Hollow;" thence S. 69° E., 23 rods, to a stake in Smith's pasture; thence N. 86° E., 14 rods, to a stake; thence N. 68° E., 45 rods and 14 links, to a stake; thence N. 65° E., 22 rods, to the west abutment of the stone bridge, near the dwelling-house of Franklin Crosby; thence S. 80° and 30′ E., 12 rods, in the old road; thence S. 50° E., 33 rods, to a stake on land of Luther Allyn; thence N. 81° E., 17 rods, to a stake; thence 71° and 30′ E., 8 rods, to the old road by the burying-[ground]; thence N. 71° and 30′ E., 32 rods, in the old road north of said burying-ground; thence N. 57° and 30′ E., 57 rods, on land of Jesse E. Wordew, to the centre of the aforementioned stage road; thence N. 22° E., 11 rods, in said stage road; thence N. 25° E., 35 rods, in said stage road; thence N. 22° E., 15 rods, in said stage road, to near the brook by the dwelling-house of Abel Haven; thence N. 3° E., 45 rods, in said stage road, to near the northwest corner of John Kathan's barn; thence N. 23° and 30′ E., 75 rods, on land of said Kathan, to a stake; thence N. 21° west, 4 rods, to a stake; thence N. 60° west, 14 rods, to a stump on the high bank of "Murder Hollow;" thence N. 63° west, 20 rods, to the centre of said stage road, near the foot of the steep hill on the south side of "Murder Hollow;" thence N. 24° west, 10 rods, in the old road; thence N. 7° E., 18 rods, crossing "Murder Hollow" bridge, to a stake on the east side of the old road; thence N. 30 deg. west, 19 rods, to a pine tree west of the old road; thence N. 11 deg. west, 5 rods and 16 links, to a maple tree; thence N. 18 deg. E., 5½ rods, to a stake; thence N. 75 deg. E., 7 rods, to a stake; thence N. 39 deg. E., 4 rods, to a pine tree west of the old road; thence N. 10 deg. west, 4½ rods, to a hemlock tree; thence N. 27 deg. west, 7 rods, to an oak tree; thence N. 23 deg. E., 5 rods to a stake; thence N. 76 deg. west, 3 rods, to a pine tree; thence N. 69 deg. west, 4 rods, to a stake; thence N. 13 deg. E., 4 rods, to a stake; thence N. 14 deg. E., 20 rods, to the west side of said stage road; thence N. 8 deg. E., 31 rods, to a stake east of Arba Clark's barn; thence N. 22 deg. and 30′ E., 13½ rods, to land of Benj. Streeter; thence N. 38 deg. and 30′ E.,

25 rods, to a stake on land of said Streeter; thence N. 35 deg. E., 9 rods, to a stake; thence N. 16 deg. and 30′ E., 16½ rods, to the centre of said stage road; thence N. 30 deg. E., 52 rods, to a stake on the west side of said stage road; thence N. 12 deg. E., 7 rods, to the top of the bank of a small brook; thence N. 2 deg. E., 6 rods, to a small tree; thence N. 47 deg. E., 6 rods, to a stake; thence N. 50 deg. E., 7 rods, to stake; thence N. 45 deg. E., 15 rods, to the centre of the stage road, 20 rods northwardly of the plank of the north end of the bridge called "the Boyden bridge."

The above and foregoing alterations are surveyed and laid out 3 rods wide, and the courses and distances named in this survey were taken in the centre; except, however, that 10 rods of the foregoing survey, from the south abutment of the bridge at "Slab Hollow," extending southerly and easterly, is laid out and surveyed ten rods wide; and the courses and distances there mentioned were taken within 1½ rods of the western and southern side of said road, so surveyed and laid out as aforesaid. So much of the old town road, leading from "Slab Hollow," by the dwelling of said Franklin Crosby, to the burying-ground aforementioned, and so much of said stage road, leading from the dwelling-house of John Kathan, northerly, to the south line of Putney, as are here rendered by the foregoing survey, are necessary for the public travel, are hereby discontinued as soon as the foregoing alterations shall have been made and opened. And the said commissioners have also discontinued the road in said Dummerston, laid out by former commissioners, appointed by said county court, on the petition of Paul Chase and others, more generally known by the name of the "Indicted Route."

And the said commissioners have assessed the following damages to individuals, viz:

To Church Miller, of Brattleboro', seventy-five dollars, to be paid to him, the said Church Miller, out of the treasury of the said town of Brattleboro', on or before the opening of the said road through his premises, in full of his damages - - - - - -	$75 00
To Church Miller, of Dummerston, eighteen dollars -	18 00
Eppa Cone, " " ten dollars - -	10 00
David Bemis, " " thirty dollars -	30 00
the widow of Rufus Sargeant, dec'd, fifteen dollars -	15 00
the widow of James Sargeant, dec'd, one hundred dollars - - - - - -	100 00
Abigail Hildreth, one hundred and twelve dollars -	112 00
Joseph Nurse, thirty dollars - - - -	30 00
Luther Allyn, one hundred and fifteen dollars -	115 00
David Haven, of Dummerston, twenty-five dollars -	25 00
Jesse E. Worden, seventy-five dollars - -	75 00
John Kathan, sixty-six dollars - - -	66 00
Arba Clark, thirty dollars - - - -	30 00
Benjamin Streeter, fifteen dollars - - -	15 00
And to Minor Knight, eight dollars - - -	8 00

To be paid to them, the said Church Miller, Eppa Cone, David Bemis, the widow of Rufus Sargeant, the widow of James Sargeant, Abigail Hildrith, Joseph Nurse, Luther Allyn, David Haven, Jesse E. Worden, John Kathan, Arba Clark, Benjamin Streeter, and Minor Knight, out of the treasury of the said town of Dummerston, on or before the opening of the said road, through their respective premises, in full of their damages respectively.

THOMAS F. HAMMOND,
JULIUS CONVERSE,
J. N. CUSHMAN, *Commissioners.*

Jan. 26th, 1842.

JOSEPH DIX et al.,
vs.
THE TOWNS OF BRATTLEBORO' AND DUMMERSTON, et al.

Windham county court, May term, A. D. 1843, highway petition.

The West River Bridge Company mentioned in the report of the commissioners appointed by this court, object and except to the portion of said report relating to the real estate, easement, or franchise of said corporation, and that portion relating to the toll bridge across West river in Brattleboro', and pray that those portions of said report may be rejected.

1. Because no legal notice was given by said commissioners, to said West River Bridge Company, of a time and place for examination, previous to the examination of the premises by said commissioners, or previous to their enquiry into the convenience and necessity of said highway, or the taking of said real estate, easement, or franchise, or previous to their enquiry into the facts and circumstances tending to explain the subject of their enquiry.

2. Because said commissioners did not, after they had decided that said highway ought to be laid or altered, or after they had decided on the taking said real estate, easement, or franchise, and before they decided on the amount of damages, which would be sustained by said West River Bridge Company, or at any other time, give legal notice to said company, either personally or in writing, of the time and place of hearing, in relation to said damages.

3. Because said commissioners have not stated *what* real estate, what easement, or what franchise, is included in their estimate, appraisal, or assessment.

4. Because said commissioners, (although there were several credible persons in said Brattleboro' acquainted, as well with the amount of income annually accruing to said company, from the tolls of said bridge, as the annual expenses of said company in relation thereto,) summoned no witnesses, and made no examination, or enquiry in relation thereto.

5. Because it does not appear from said report, and is not true in fact, that there was, or that the said commissioners considered that there was, any occasion for any new highway on said route within a great distance, to wit, within two miles of said bridge.

6. Because the general assembly of the State of Vermont, on the 16th day of October, 1795, by an act entitled an act, granting to John W. Blake, Calvin Knowlton, and their associates, the privilege of building a toll bridge over West river in Brattleboro', incorporated the said Blake, Knowlton, and their associates, and constituted them a body politic and corporate, and enacted that they and their successors, and such other persons as should thereafter be admitted as members of said company, should be, and continue a body politic and corporate, by the same name one hundred years; and that the same company should have the exclusive privilege of erecting and continuing a bridge over West river, within four miles of the place where said stream unites with Connecticut river; and further enacted, that it should be lawful for said company to demand and receive toll at the following rates, for crossing said bridge, to wit:

For each passenger, two cents; each horse, three cents; each ox or cow, or other horned creature, not exceeding two in number, three cents; if over that number, two cents; each chaise, or sulky, ten cents; each loaded cart, or waggon, sixteen cents; each cart or waggon, not loaded, eight cents; each chariot, coach, or phaeton, or other four wheeled pleasure carriage, fifty cents; each sleigh, or cart drawn by one horse, six cents; and for each sheep, or swine, half a cent.

And it was in and by said act further enacted, that said company should keep the said bridge, to be by them erected and continued in manner aforesaid, in good repair at all times forever thereafter; and in case of neglect, should be liable to the same penalties to which towns by law were then subjected, for not keeping roads and bridges in repair; and that in case said company should neglect, for the space of six months, after complaint made, they should forfeit all the rights and privileges granted by said act.

And it was further, in and by said act provided, that if said company should not within two years after such time, as a committee appointed by the Legislature for that purpose, or (in case no such committee should be appointed,) the selectmen of the town of Brattleboro', should lay out and survey a road to cross said stream, build said bridge at the place where said road should be laid, and render the same passable, or repair and maintain the old bridge free of toll, until within the term of six months before the said bridge should be completed, they should receive no benefit by said act.

And the said West River Bridge Company aver, that afterwards, to wit, on the 27th day of the same October, Samuel Cutler, Eliakim Spooner, and David Sanderson, or either two of them, were appointed by the legislature a committee to lay out a public highway, to cross said stream, to wit, from the south line of the State, to the north line of the county of Windham, either through the town of Hinsdate, (now Vernon) or Guilford, as should appear to said committee most beneficial; and did afterwards, to wit, on the first day of May, A. D. 1796, lay out and survey said road; and the said West River Bridge Company aver, that said company, after the passing of said act of incor-

portation, to wit, on the 1st day of January, A. D. 1796, they were duly organised in pursuance of said act, and have ever since continued said organization, and performed all the duties incumbent on them to do and perform, by any of the provisions of said act; and that within two years after the laying and survey of said highway across said stream, by said Cutler, Spooner, and Sanderson, the said company did, on the faith of said enactment, and at their cost, build said bridge, at the place where said road was laid by said committee; and have ever since, in pursuance of the enactment and provisions of said act, continued the same, performing the duties and receiving the tolls enjoined and granted by said act; and have ever wished and intended, and do still desire and purpose, to perform said duties and receive said tolls, during the remainder of said term of one hundred years.

The said West River Bridge Company further object to so much of said report as appraises or assesses to said company only four thousand dollars, as full compensation for all the real estate, easement, and franchise of said company, because they say that said compensation is insufficient, inadequate, and unjust.

JOSEPH DIX et al.
vs.
DUMMERSTON et al.

Windham county court, May term, A. D. 1843.

The town of Brattleboro' object to the acceptance of so much of the report of said commissioners as relates to the real estate, easement, or franchise of the West River Bridge Company, and so much as relates to said the said company, or its bridge, and so much as relates to the part of said route within said town.

1. Because no legal notice was given by said commissioners, to said West River Bridge Company, or to the persons interested in lands through which said route lies, previous to the examination of the premises by said commissioners, or previous to their enquiry into the convenience and necessity of said highway, or into the taking said real estate, easement, or franchise, or previous to their enquiry into the facts and circumstances, explaining the subject.

2. Because said commissioners, before they decided on the amount of damages which would be sustained by said West River Bridge Company, and by said persons interested in said lands, did not notify said company, or said persons interested in lands, or cause them to be notified, of the time and place of hearing, in relation thereto, either personally or by leaving a written notice with, or at the residence of, the respective owners or occupants of said lands, or with said company, or with any of its officers, or at their residence.

3. Because said report does not state what easement, what franchise, or what real estate is to be taken or included in the said valuation and assessment of four thousand dollars.

4. Because said commissioners (although there were accessible to them, and near them, several credible and competent witnesses, conversant as well with the amount of tolls received from said bridge by said

company, as the expenses of said company,) called no witnesses, examined no competent witnesses, and took no testimony under oath, or otherwise legally authentic in relation thereto.

5. Because it does not appear from said report, and is not true in fact, that there was, or that said commissioners considered that there was, any occasion for any new highway on said route within a great distance, to wit, within two miles of said bridge.

By J. D. BRADLEY, *their att'y.*

JOSEPH DIX and others, } vs. DUMMERSTON et al. }

Windham county court, May term, 1843.

The town of Dummerston objects to the acceptance of so much of the report of the commissioners as relates to a road surveyed by them within said town, and pray that the same be rejected.

1. Because said commissioners proceeded in said report to discontinue the Indited road, so called; a road of which the petition of Joseph Dix and others, did not ask the discontinuance; a road which said town was then liable to make, and has since raised money to make.

2. Because the acceptance of said report would render the maintenance of *two* roads necessary through a large part of the town, while the natural difficulties are so great, that with only one the burdens of said town, when compared with its means, are unusually onerous.

3. That said surveyed route, or Nurse Swamp route, so called, is a longer, more wet, and more expensive route, between the termini in question.

4. That said commissioners were partial, prejudiced, and mistaken; and acted under the influence of misrepresentations, made by interested persons.

5. That said commissioners did not appoint a time and place for examination and hearing, as to the convenience and necessity of said highway, and give notice thereof to the persons owning, or interested in the lands through which it might be laid, before they examined and decided to lay the same.

6. That the said commissioners did not give the notice last mentioned, at any time.

7. That said commissioners did not, before they decided on the amount of damages which would be sustained by the persons interested in said lands, *did not* notify said persons, nor cause them to be notified, of the time and place of hearing, in relation thereto, either personally or by leaving a written notice with, or at the residence of, the owner or occupants of the lands, but on the contrary, assessed the damages in the schedule "marked A," without this, or in either of said ways, notifying persons, named in said schedule "marked A," accompanying said report, and without notifying several other persons interested in said lands, who are not therein named, and had no damages assessed them in said report.

8. That said report does not particularly state the proceedings of said commissioners, but, on the contrary, omits to state what persons owning or interested in lands were notified of the time and place of examination and hearing, as to the convenience and necessity of the highway, nor how said persons were notified; and does not state what persons, nor that any persons, owning or interested in lands were notified, or caused to be notified, of any time and place of hearing, or the amount of damages to said persons, and does not state how any notice of any kind was given to the land owners mentioned in said report.

9. That said commissioners made an erroneous, mistaken, inadequate and insufficient estimate and appraisal, of the damages to persons interested in the lands through which said route passes.

10. That the said surveyed route would cost much more, be much longer, more wet, miry, and difficult to keep in repair, without accommodating the public as well as the Indicted route; and that this difference in the two routes would be still further greatly increased, if the said Indicted route were shortened at Murder Hollow, so called, and slightly altered between there and Putney line, which improvements and alterations the said town are willing to make.

By J. D. BRADLEY, *their att'y.*

Filed, May 31, 1843.

M. MILLER, *Clerk.*

JOSEPH DIX, vs. DUMMERSTON et al.

Windham county court, May term, 1843.

The undersigned persons interested in lands through which said route, surveyed and reported, runs, object to the acceptance of said report:

1. Because the said commissioners were partial, prejudiced, and mistaken, and acted under the misrepresentations made by interested persons.

2. Because said commissioners did not appoint a time and place for examination and hearing, as to the convenience and necessity of said highway, and give notice thereof to the undersigned respectively, before they decided to lay the same.

3. Because said commissioners did not, at any time, give the notice last mentioned.

4. Because the said commissioners did not, before they decided on the amount of damages which would be sustained by the persons interested in said lands, notify the said persons, respectively, of the time and place of hearing in relation thereto, either personally, or by leaving a written notice with, or at the residence of, the respective owners or occupants of said several lands; but, on the contrary, assessed the damages, in the said schedule "marked A," in said report, and decided not to report any damages to the other of the undersigned, not mentioned in said schedule, without in either of said ways notifying said persons so interested.

5. That said report does not particularly state the proceedings of said

commissioners, but on the contrary, omits to state [that persons] owning or interested in said lands were notified of the time and place of examination and hearing, as to the convenience and necessity of the highway, or how said persons were notified; and does not state what persons, or that any persons, owning or interested in the said lands were notified, or caused to be notified, of any time and place of hearing, on the amount of damages to said persons, and does not state how any notice of any kind was given to the land owners mentioned in said report.

6. That said commissioners made an erroneous, mistaken, inadequate, and insufficient estimate and appraisal, of the damages to those of the undersigned, to whom they awarded any damages, and unjustly, and inequitably to award any damages to the other signers hereto.

CHURCH MILLER,
DAVID BEMIS,
POLLY SARGEANT,
ABIGAIL HILDRETH,
JOSEPH NURSE,
LUTHER ALLYN,
DAVID HANN,
JESSE E. WORDEN,
JOHN KATHAN,
ARBY CLARK,
BENJ'N STREETER,
ABIGAIL BEMIS,
SARAH BEMIS.

By their attorney, J. D. BRADLEY.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

Whereupon, all and singular the premises being seen, and by the court fully understood, it is considered by the court, that the report of the said commissioners be, and the same is, accepted. And that the said road or highway, and every part thereof, as described and set forth in the said report of the said commissioners be, and the same is, established. That the said town of Brattleboro' pay the sum or sums assessed by the said commissioners, to the land owner or owners through whose lands the said road is laid in said town, by the 31st day of May, A. D. 1844; and that so much of said road as lies in said town be opened, to be worked by the first day of June, A. D. 1844; and that the said town of Brattleboro' make and complete the same by the first day of December, A. D. 1844.

That the said town of Dummerston pay the several sums to the respective land owners through whose lands the said road or highway is laid in said Dummerston, as assessed for damages by said commissioners by the 31st day of May, A. D. 1844; and that so much of said road or highway as lies in said Dummerston, be opened to be worked by the first day of June, A. D. 1844. That said town of Dummerston make and complete so much of said road or highway as lies in said town between

Brattleboro' and Slab Hollow, by the first day of December, A. D. 1844; and that said Dummerston make and complete so much of said road or highway in said town, as lies between Slab Hollow and Putney, by the first day of December, A. D. 1845.

That said town of Brattleboro' pay to the West River Bridge Company, the sum of damages as assessed by said commissioners, by the 31st day of May, 1844; and that said bridge be opened for the free public travel by the first day of June, 1844.

An act granting to John W. Blake, Calvin Knowlton, and their associates, the privilege of building a toll bridge over West river, in Brattleboro'.

Sect. 1st. It is hereby enacted by the general assembly of the State of Vermont, that John W. Blake, Calvin Knowlton, and their associates be, and they are hereby, formed into, constituted, and made a body politic and corporate, by the name of the West River Bridge Company, and that they and their successors, and such other persons as shall hereafter be admitted members of said company, shall be and continue a body politic and corporate, by the same name one hundred years; and that the same company have the exclusive privilege of erecting and continuing a bridge over West river within four miles from the place where said stream unites with Connecticut river. And

Sec. 2d. It is hereby further enacted, that it shall and may be lawful for said company to demand and receive toll at the following rate, for crossing said bridge, to wit:

For each passenger -	2 cents	For each cart or wagon not loaded - - -	8 cents
For each horse - -	3 "	For each chariot, coach or phaeton, or other four wheeled pleasure carriage - - - -	50 "
For each ox or cow or other horned creature, not exceeding ten in number - - -	3 "	For each sleigh drawn by two or more horses -	12 "
If over that number, each	2 "	For each sleigh or cart drawn by one horse -	6 "
For each chaise or sulky	10 "	For each sheep or swine	½ "
For each loaded cart or wagon - - -	16 "		

And Sec. 3d. It is hereby further enacted, that at the expiration of forty years from the first day of December, which will be in the year of our Lord 1796, it shall be the duty of the judges of the supreme court to examine into the accounts of said company for and on account of said bridge, and the proceeds thence arising; for which purpose said judges are hereby empowered to appoint three persons, wholly disinterested, who shall be sworn to the faithful performance of their trust, commissioners, to examine into the state of the accounts of the said company. And the said commissioners for the purpose aforesaid, shall have access to all the books and accounts of the said company, and are hereby empowered to call upon them, and examine under oath, such persons as they may think

fit, and make out a fair statement of the cost of erecting, maintaining, and attending the said bridge, and of the proceeds arising to said company from the same, by the rate of toll aforesaid, during the said term, and make report thereon to the said judges at the stated term of the said supreme court, in the county of Windham, next after their appointment. And the said commissioners shall receive from the said company such compensation for their services as shall be allowed by the judges of the said court. And if it shall appear to the said judges, by the report of the commissioners made as aforesaid, that the net proceeds, during the said term of forty years as aforesaid, shall average a larger sum than 12 pr. ct. pr. annum on all actual expenditures, it shall be the duty of said judges to lessen the toll to such sum as to them shall appear reasonable; provided, it shall not be in the power of the said judges to reduce the toll to such sum as shall prevent the proprietors from receiving 12 pr. ct. pr. an. for all actual expenditures. And

Sec. 4. It is hereby further enacted, that the said company are hereby made capable of suing and being sued, and of prosecuting and defending suits in their corporate capacity; may have a common seal, and may make by-laws for their company concerns; and at any meeting warned for that purpose, may choose a president and four directors, who shall continue in office for two years from the time of their election, and until others shall be chosen in their places, a majority of whom, including the president, shall form a quorum to transact business. That at any election of officers in said company, every owner shall be entitled to as many votes as he shall own shares in said bridge. That a secretary shall be appointed by said company, whose duty it shall be to keep and make the necessary records, and make regular entries of the transfer of all shares, and no person shall be allowed to vote at any meeting upon any share, unless it shall appear by the books and entries of the secretary that he has owned said share at least 20 days previous to said meeting. That the first meeting shall be warned by the said John W. Blake and Calvin Knowlton, at such time and in such manner as they may judge expedient. And that all future meetings shall be warned by the president, unless there shall happen a vacancy, in which case it may be warned by the secretary. And

Sec. 5th. It is hereby further enacted, that the bridge now standing over said stream, shall be at the disposal of said company whenever the new bridge shall be completed; and in case it shall be necessary to build at the same place, the said company are hereby authorised to remove the old bridge whenever they shall commence rebuilding. And

Sec. 6. It is hereby further enacted, that the said company shall keep the said bridge, to be by them erected and continued in manner aforesaid, in good repair at all times forever hereafter, and in case of neglect, shall be liable to the same penalties to which towns are by law subjected for not keeping roads and bridges in repair; and in case they shall neglect, for the space of six months after complaint made, they shall forfeit all their rights and privileges granted by this act.

Provided, nevertheless, that if the said company shall not, within two

years after such time as a committee appointed by the Legislature for that purpose, or (in case no such committee shall be appointed) the selectmen of the town of Brattleboro', shall lay out and survey a road to cross said stream, build said bridge at the place where said road shall be laid, and render the same passable, or repair and maintain the old bridge free of toll until within the term of six months before the new bridge shall be completed, they shall receive no benefit by this act.

STATE OF VERMONT:

SECRETARY OF STATE'S OFFICE,
Montpelier, Feb'y 2d, 1844.

I hereby certify, that the foregoing is a true copy of an act passed by the legislature of the State of Vermont, on the sixteenth day of October, anno domini 1795, as appears by the files and records in this office.

Given under my hand and the seal of this office, this 2d day of February, in the year of our Lord Christ one thousand eight hundred and forty-four.

Signed. FERRAND F. MERRILL,
Deputy Secretary of State.

An act empowering and directing certain persons therein named, to lay out and survey a post road from Massachusetts line to the north line of the town of Newbury, in the county of Orange.

Whereas it appears to this legislature that a public post road, from the south line of this State to the north line of Newbury, will conduce to the public benefit of the State at large, as well as be beneficial to the citizens immediately interested—therefore,

Sec. 1. It is hereby enacted by the general assembly of the State of Vermont, That Samuel Cutler, Eliakim Spooner, and David Sanderson, esqrs., or either two of them, be, and they are hereby, appointed a committee to lay out a public highway, from the south line of this State to the north line of the county of Windham, either through the towns of Hinsdale, or Guilford, as may appear to said committee most beneficial; and that Paul Brigham, Lewis R. Morris, and Oliver Gallup, esquires, be, and they are hereby, appointed a committee to lay out a public highway, from the north line of Windham county to the north line of Windsor county. And that Frye Bayley, Micah Barron, and Montlon Morey, esquires, or either two of them, be, and they are hereby, appointed a committee to lay out a public highway, from the north line of Windsor county to the north line of the town of Newbury. Which road the several committees above mentioned are hereby directed to lay out, as near the banks of the Connecticut river as may be eligible and convenient. And the aforesaid committees are hereby directed to commence such survey on or before the first day of April next, and complete the survey as soon as may be. And the said committees are hereby empowered to call on any county surveyor, who is hereby directed to attend such committee, and make such survey as the committee aforesaid may direct, and make a plan of such survey, with the points

of compass, length and width of such road, properly attested for record. And any road laid out by said committee, as aforesaid, and recorded in the town clerk's office in the town where such road lies, shall not be altered by the selectmen of said town; and each of the committees aforesaid are hereby directed to cause such survey to be recorded in the town clerk's office of the town through which said road runs. And—

Sec. 2. It is hereby further enacted, That the aforesaid committees, in their respective counties, where they may find it necessary to alter any road, or lay out a new one, are hereby fully empowered to set over any old road in lieu of land taken for a new one; and when no allowance is made for highways, to assess damages for any new road which they may think proper to lay. And a certificate given by such committee to the person or persons whose lands they have taken as aforesaid, shall be a sufficient voucher for the selectmen of the town in which the land so taken may belong; and said selectmen are hereby directed to pay the amount of such certificate out of the town treasury. And should such selectmen refuse to pay the money so certified by the said committee, the person holding such certificate may, after the expiration of three months from the presentment of such certificate, prosecute the town where such selectmen may belong, before any court proper to try the same, who are hereby directed to render judgment thereon, and issue execution accordingly. And—

Sec. 3. It is hereby further enacted, That if any person or persons shall refuse or neglect to open any road so laid out by the committee aforesaid, such committee shall direct the person or persons so neglecting or refusing, as aforesaid, to open said road within a term of time to be set by said committee, (which term shall not be less than one month, nor more than six months,) and such person or persons still persisting to refuse or neglect to open such road, such committee are hereby empowered to prosecute such person or persons before any court proper to try the same; which court are hereby directed to render judgment for the sum of forty shillings for every month which such person or persons shall neglect or refuse to open such road, with costs of suit. And such prosecution may be commenced monthly, until such road shall be opened. And—

Sec. 4. It is hereby further enacted, That the several towns through which said road shall be laid, shall make the same passable, and tax themselves for that purpose; and any town may tax the land in such town if they think proper, and for making and amending the aforesaid road running through said town; and the selectmen are hereby empowered, with the consent of the town, to assess a tax of not more than six pence on the pound on the polls and rateable estates of the inhabitants of such town, or a tax on the land in said town, of not more than two on an acre, public land excepted; and the selectmen are hereby appointed a committee to superintend the expenditure of said tax. And either of the justices of said town is hereby empowered to issue his warrant to the collector appointed by the authority of such town to collect State taxes, who is hereby appointed collector for the purposes hereby in-

tended; and such collector is hereby made accountable to the selectmen aforesaid for the amount of said tax; and the selectmen and collector are hereby directed to govern themselves in collecting, disposing, and accounting, for the money raised by such tax, agreeable to the statute laws of this State regulating the disposition of moneys raised by tax for the purpose of making and repairing roads and building bridges. And—

Sec. 5. It is hereby further enacted, That the collectors of said taxes be, and they are hereby, empowered to sell so much land of any delinquent owner as will pay said tax and legal costs, after advertising the same as the law directs. And—

Sec. 6. It is hereby further enacted, That the road, laid as aforesaid, shall not be altered but by a committee appointed by the county court in the county where such road lies, upon application made to such court by petition from the selectmen of the town through which such road runs; and upon a report of such committee, and its acceptance by the county court, such road may be altered; and the committees and surveyors aforesaid shall present their several accounts for laying and surveying said road to the county court in the county where such committee and surveyors belong; and the court are hereby directed to allow such committee and surveyors a reasonable compensation for their services, and draw an order on the treasurer of said county for the same.

Sec. 8th. It is hereby further enacted, That all the highway taxes that shall be laid in the several districts through which said road shall pass for the ensuing year, shall be expended on said road, except in such cases where the selectmen, and authority of the towns, or a major part of them, shall, upon the examination of the other roads and bridges in such districts, deem it expedient to appropriate such certain part of said tax as may be necessary to repair the roads and bridges in the cases aforesaid; and the several surveyors of highways are hereby directed to govern themselves accordingly.

STATE OF VERMONT,
Secretary of State's office, Montpelier, Feb'y 2d, 1844.

I hereby certify, that the foregoing is a true copy of an act passed by the legislature of the State of Vermont, on the 27th day of October, in the year of our Lord one thousand seven hundred and ninety-seven.

Given under my hand, and the seal of this office, this 2d day of Feb-
[L. S.] ruary, A. D. 1844.

FERRAND M. MERRILL,
Deputy Secretary of State.

An act in addition to, and alteration of, an act entitled an act granting to John W. Blake, Calvin Knowlton, and their associates, the privilege of building a bridge over West river, in Brattleboro'.

Whereas, application has been made by all the proprietors of West River Bridge Company for an alteration in the rates of toll allowed to said company.

It is hereby enacted, by the general assembly of the State of Vermont,

that in lieu of the rates of toll established by said act, it shall and may be lawful for West River Bridge Company to demand and receive the following rates of toll for crossing said bridge, to wit: For each foot passenger, 2 cents; for each horse and passenger, 6 cents and one quarter; for each ox, or cow, or other horned creature, not exceeding ten in number, 3 cents—if over that number, 2 cents each for such additional number; for each mule or jack, not exceeding ten in number, 4 cents—if over that number, 3 cents each for such additional number; for each chaise or sulky, drawn by one horse, 12 cents and one-half; for each loaded cart or waggon drawn by two or four horses or cattle, 16 cents—if drawn by more than four horses or cattle, 3 cents each for such additional horses or cattle; for each cart or waggon, carrying no loading, drawn by two or four horses or cattle, 8 cents—or over that number, 3 cents each for such additional number; for each chariot, coach, phæton, or other pleasure carriage, drawn by two horses, 37 cents and a half—if drawn by more than that number, 4 cents each for such additional number; for each sleigh or sled drawn by two horses or cattle, 12½ cents—if drawn by more than two, 3 cents each for such additional number; for each sleigh, sled, or cart, drawn by one horse, 6½ cents; and for each sheep or swine, half a cent.

STATE OF VERMONT, SECRETARY OF STATE'S OFFICE,
Montpelier, Feb'y 2d, 1844.

I hereby certify that the foregoing is a true copy of an act passed by the legislature of the State of Vermont on the 9th day of October, in the year of our Lord Christ one thousand eight hundred and three, as appeared from the files and records in this office.

Given under my hand, and the seal of this office, this 2d day of Febru-
[L. S.] ary, A. D. 1844.

Signed, FERDINAND F. MERRILL,
Deputy Secretary of State.

I, Lyman G. Bliss, of Brattleboro', being duly sworn, depose and say, that for more than a year past I have been clerk of the West River Bridge Company, and that I do not recollect of having received any notice, either verbally or in writing, from the commissioners who recently laid a highway across the bridge of said company, on the petition of Joseph Dix and others, of a time and place, where and when, said company might have a hearing in regard to the damages to be assessed to them in consequence of laying out such highway, or any notice in regard to such hearing whatever.

I am very confident that if I had received any notice of the kind I should recollect it.

LYMAN G. BLISS.

STATE OF VERMONT, *county of Windham, ss:*

BRATTLEBORO', *May* 29, 1843.

The above deposition of Lyman G. Bliss, taken to be used on the report upon the petition of Joseph Dix and others against the town of

Dummerston and others, to be heard before the county court within and for the county of Windham, on the last Tuesday of May, inst. Taken, subscribed, and sworn to, before me. Joseph Dix being notified, did not appear.

SAMUEL SIKES,
Justice of the Peace.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

I, Henry Clark, of Brattleboro', in the county of Windham, on oath say, that I have been applied to to ascertain the distance, by accurate admeasurement, from the north abutment of West river bridge, following the road, as now travelled, to a point sixteen rods north of the north line of Eli Sargeant's farm, where the route of the Nourse hollow road leaves the present travelled road. I have made such admeasurement, and find the distance to be two miles and thirteen rods. I think the distance from said West river bridge to H. Smith's stage house, in Brattleboro' village, to be about one mile.

HENRY CLARK.

STATE OF VERMONT, *county of Windham, ss:*

BRATTLEBORO', *May* 27, 1843.

The above deposition of Henry Clark, taken to be used in a matter of a report upon the petition of Joseph Dix and others, against the town of Dummerston and others, to be heard before the county court within and for the county of Windham, to be held on the last Tuesday of May, inst., was taken, subscribed, and sworn to, before me; and Joseph Dix being notified, did appear, and was present at the taking.

LARKIN G. MEAD,
Justice of the Peace.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

To all persons to whom these presents shall come, greeting:

Know ye, that I, Josiah Arms, of Brattleboro', in the county of Windham, and State of Vermont, for the consideration of one hundred and fifty dollars, current money of the United States, received to my full satisfaction of the West River Bridge Company, do bargain, sell, grant, convey, and confirm to the said West River Bridge Company a certain piece or parcel of land, situate in Brattleboro' aforesaid, described as follows: Beginning at a stake and pile of stones, placed at the distance of about twelve rods, in a southwesterly course from the south bank of West river; thence running east 13° south, nineteen rods and twenty links, to a maple tree, and continuing the same course to Connecticut river; thence northerly, with the course of said West river, so far north as that a line, extending south six degrees thirty minutes west, shall strike the bounding first mentioned, containing, by estimation, two acres, be the same more or less: To have and to hold the above granted and bar-

gained premises, with the appurtenances and privileges thereto belonging, unto them, the said West River Bridge Company, and their heirs and assigns, to them and their own proper use and behoof forever. And also, I, the said Josiah Arms, do, for myself, my heirs, executors and administrators, covenant and agree, with the said West River Bridge Company, their heirs and assigns forever, that at and until the ensealing of these presents, I am well seized of the before described premises, and have good right and lawful authority to bargain and convey the same, in manner and form as above written; and that the same is free and discharged of and from all bargains, leases, mortgages, entails, jointures, dowries, and all incumbrances whatsoever; and furthermore, I, the said Josiah, do, by these presents, bind myself, my heirs, executors, and administrators, forever to warrant and defend the above bargained and conveyed premises, with the appurtenances, unto the said West River Bridge Company, and their heirs and assigns, against all lawful claims and demands whatsoever.

In witness whereof, I have hereunto set my hand and seal this twenty-third day of March, in the year of our Lord one thousand seven hundred and ninety-nine.

JOSIAH ARMS. [L. S.]

Signed, sealed, and delivered in presence of—
H. W. JONES,
CHARLES LYMAN.

WINDHAM, *ss*:

BRATTLEBORO', *April 1st*, 1799.

Mr. Josiah Arms, signer and sealer of the above written instrument, personally appearing, acknowledged the same to be his voluntary act and deed.

Before me.

RICHARD WHITNEY,
Justice of the Peace.

Received 7th April, 1799.

By STEPHEN GREENLEAF, JUN'R,
Town Clerk.

I hereby certify that the above is a true copy from the 203 and 204 pages of liber D, of deeds of the town of Brattleboro'.

STEPHEN GREENLEAF, *Town Clerk.*

Brattleboro', May 26, 1843.
Filed, May 31, 1843.

M. MILLER, *Clerk.*

I, Lemuel Whitney, of Brattleboro', being duly sworn, depose and say, that John W. Blake, Calvin Knowlton, and associates, incorporated by the legislature of the State of Vermont by the name of the West River Bridge Company in the year 1795, did, in the summer and fall of 1796, and the spring of 1797, erect a bridge across West river, in the

town of Brattleboro', at the place where Eliakim Spooner and others, as a committee appointed by the legislature of 1795 for that purpose, did lay out a highway across West river; and the said company have kept said bridge in repair ever since that time.

LEMUEL WHITNEY.

STATE OF VERMONT, *county of Windham, ss:*

BRATTLEBORO', *May* 29, 1843.

The above deposition of Lemuel Whitney, taken to be used in a matter of report upon the petition of Joseph Dix and others against the town of Dummerston and others, to be heard before the county court within and for the county of Windham, to be held on the last Tuesday of May, inst. Taken, subscribed, and sworn to, before me.

SAMUEL SIKES,
Justice of the Peace.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

Minutes of a road through Brattleboro', beginning at the south line of said Brattleboro', south of Gardner Chandler, esq., at a stake and stones, and

N.	24°	W.	113	rods,
N.	3	E.	12,	
N.	11	E.	68,	
N.	5	E.	14,	
N.	23	E.	72,	being nine miles from Massachusetts
N.	23	E.	45,	line.
N.	10	W.	102,	
N.	13	E.	64,	
N.	17	W.	11,	
N.	28	W.	10½,	
N.	60	W.	10,	
N.	22½	W.	81,	
N.	35	E.	18,	
N.	19	E.	4½,	
N.	29	W.	33,	ten miles.
N.	29	W.	10,	
N.	30	W.	4,	
N.	52	W.	8,	
N.	35	W.	29½,	
N.	48	W.	11,	
N.	10	W.	16,	
N.	30	E.	16,	
N.	6	W.	15,	
N.	10	W.	13,	
N.	22	W.	7,	
N.	16	W.	14,	
N.	10	W.	39,	

N.	22	W.	34½,
N.	18	E.	17½,
N.	31	E.	56½,
N.	15	E.	20,
N.	12	E.	11½, eleven miles.
N.	12	E.	74,
N.	33½	E.	33,
N.	10½	E.	5½,
N.	5	W.	3,
N.	11	W.	6,
N.	6	W.	24, West river.
N.	12	W.	37,
N.	10	W.	16½,
N.	6	E.	15,
N.	19	E.	22½,
N.	15½		12½,
N.	28	W.	18,
N.	20	W.	53, 12 miles.
N.	20°	W.	14,
N.	17	E.	65,
N.	23	E.	100,
N.	32	E.	69,
N.	30	E.	72, 13 miles.
N.	30	E.	47,
N.	37	E.	33,
N.	32	E.	98,
N.	37	E.	14.

To the north line of said Brattleboro', near Nathaniel French's house, being five miles one quarter and sixty-three rods, and to be four rods wide, the survey line being on the west side. Post road through Brattleboro' being five miles one quarter and sixty-three rods, surveyed by me.

JONATHAN BURT, April, 1796,
County Surveyor.

April 17, 1796. The within survey is approved by us.
SAMUEL CUTLER,
ELIAKIM SPOONER,
Committee for laying said road.

Recorded the 17th day of June, 1796, by me.
SIMPSON ELLIS, *Town Clerk.*

TOWN CLERK'S OFFICE,
Brattleboro', May 29, 1843.

I hereby certify, that the foregoing is a true copy of a record in this office, transcribed from town book marked C, pages 140 and 141.

Attest: STEPHEN GREENLEAF,
Town Clerk.

Filed, May 31, 1843. M. MILLER, *Clerk.*

I, Willard Arms, of Brattleboro', in the county of Windham, aged 62 years, on oath say, that I was born in said Brattleboro'; my father living at the time of my birth on the Goodhue farm, now owned by Needman Allen, which almost joins the present site of West river bridge. I recollect the building of the first W. R. bridge where the bridge now stands, being frequently at the bridge whilst they were building it. And I recollect that the bed of West river, where the pier to said bridge was built, was sandy. The pier was built of timbers locked together at the ends, and filled up with stones in the middle. The south part of the bridge from the pier was built with arches of timber, and north of said pier it was a trussel bridge. Immediately after building this pier, land began to form between said pier and the north bank of the river, until it has now become solid land on which trees grow.

I knew a Mr. Mack about the time of building the first bridge, who lived in Deerfield, who was skilled in living under water, and I understood he was employed about building this pier.

Q. by petitioner's atty. How old were you when this first bridge was built?

Ans. About 16 years.

Q. by same. How long did the first bridge stand?

Ans. I don't recollect.

WILLARD ARMS.

STATE OF VERMONT, *Windham, ss*:

At Brattleboro', in the county of Windham, on this 7th day of August, A. D. 1843, personally appeared Willard Arms, and made oath that the foregoing deposition by him subscribed contains the whole truth and nothing but the truth.

Before me, LARKIN G. MEAD, *Just. peace.*

The foregoing deposition, taken at the request of the West River Bridge Company, in the matter of the acceptance of a report upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for the county of Windham, on the third Tuesday of November, A. D. 1843, in which cause Joseph Dix and others are petitioners, and the West River Bridge Company are petitioners. The adverse party was notified, attended, and objected.

Certified by me.

LARKIN G. MEAD, *Just. peace.*

The within deposition of Willard Arms was taken and sealed up by me.

LARKIN G. MEAD, *Just. peace.*

Filed and opened, August 9, 1843.

M. MILLER, *Clerk.*

I, John R. Blake, of Brattleboro', county of Windham, aged 49 years, on oath say, that I have resided in said Brattleboro' since my birth. I

recollect being often at the mouth of West river, where the bridge now stands, when quite a small boy. The West river bridge then standing where the bridge now stands, I should think was twice as large as the present bridge, built with an arch to where the present north abutment stands; the north half from that abutment being a trussel bridge, I think. The soil from the north abutment of the present bridge to the ledge which formed the north terminus of the old bridge being alluvial, and having been formed all or mostly during my recollection. My father, at the time I speak of, and for many years after, owned the Allen farm at the north end of this bridge, and I had occasion to pass it almost daily. About this time my father owned all, or nearly all, of the old bridge. I often heard him and others speak of it. They said it had been very expensive building it—that the builders met with great difficulty in founding the pier on account of mud. I understood from my father that there was a proviso in the charter granting said bridge, that if the profits should pay a certain *per cent.* on its cost the tolls should be reduced. He and others said there was no danger of a reduction, as the profits would never pay the per cent. they were allowed to take, or simple interest. I recollect that the water was quite deep under what was the trussel part of the old bridge.

JOHN R. BLAKE.

STATE OF VERMONT, *Windham, ss:*

TOWN OF BRATTLEBORO', *August* 5, 1843.

Then John R. Blake, of said Brattleboro', personally appeared, and after being carefully examined, and duly cautioned, made solemn oath that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth.

Before me, LARKIN G. MEAD, *Just. peace.*

The above deposition, taken at the request of the West River Bridge Company, in the matter of the acceptance of the report upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for the county of Windham aforesaid, on the third Tuesday of November, A. D. 1843; in which cause Joseph Dix and others are petitioners, and said West River Bridge Company are petitioners. The adverse party was notified, and did attend.

Certified by, LARKIN G. MEAD, *Just. peace.*

The within deposition of John R. Blake was taken and sealed up by me.

LARKIN G. MEAD, *Just peace.*

Filed and opened, August 9, 1843.

M. MILLER, *Clerk.*

I, Levi Sargeants, of Brattleboro', in the county of Windham, aged 69 years, on oath say, that I have always lived within a mile and a half of West river bridge, at the mouth of said river. At the time when a

bridge was first built where West river bridge now stands, I assisted in building it. The bed of the river over which the bridge was then built was sandy. The workmen drove down timbers where they wished to build the pier to the bridge, and planked the sides of them, making a curb, in order to keep out the sand whilst they could found said pier—they had great difficulty in keeping out the water—bailing it out at times, and at other times pumping it out. The pier was built with timbers, filling in between them cobble stones, the timbers being locked together, and the middle filled up with stones. The workmen were employed in building said bridge pretty much the whole of the season.

LEVI SARGEANTS.

STATE OF VERMONT, *Windham, ss:*

At Brattleboro', in said county, on the 7th day of August, A. D. 1843, personally appeared Levi Sargeants, and made solemn oath that the foregoing deposition, by him subscribed, contains the whole truth and nothing but the truth.

Before me, LARKIN G. MEAD, *Just. Peace.*

The foregoing deposition, taken at the request of the West River Bridge Company, in the matter of the acceptance of a report upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at Newfane, within and for the county of Windham, on the third Tuesday of November, A. D. 1843, in which cause Joseph Dix and others are petitioners, and said West River Bridge Company are petitioners. The adverse party was notified, attended, and objected.

Certified by me, LARKIN G. MEAD, *Just. Peace.*

The within deposition of Levi Sargeant, was taken and sealed up by me. LARKIN G. MEAD, *Just. Peace.*

Filed and opened, August 9, 1843. M. MILLER, *Clerk.*

I, Amos Thomas, of Chesterfield, county of Chesire and State of New Hampshire, aged 78 years, on oath say, that I live within half a mile of West river bridge, in Brattleboro', and have lived within that distance of it since my birth. I well recollect when the first bridge was built over West river, where the bridge now stands; I was at the spot several times whilst it was being built. A number of years before the bridge was built, I was in the habit of being at the mouth of West river, and recollect there was then a very deep hole in the bottom of the river near where the north abutment now stands. I recollect trying with others to find the bottom of it, with several long poles tied together, and could not. The reason of our sounding the hole was, my brother lost a salmon jack into the river at that place, used in fishing, from his boat, and we attempted to sound the bottom to see if we could recover the fishing jack. I think we tied three poles together, each 15 to 20 feet long. The bottom of the river in this place was sandy and muddy, and, as we say, a shifting bottom.

By the north abutment, I mean the ledge at the north end of the causeway, the principal current of the river ran, at that time, against this ledge, forming an eddy where this hole was. There was a gravel bar in the river a rod above this hole, over which the water pitched. At low water, the water in this eddy was still.

AMOS THOMAS.

STATE OF VERMONT, *Windham, ss:*

At Brattleboro', in the county of Windham, on this 9th day of August, A. D. 1843, personally appeared Amos Thomas, and made oath that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth.

Before me, LARKIN G. MEAD, *Just. Peace.*

The foregoing deposition, taken at the request of the West River Bridge Company, in the matter of the acceptance of a report upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for the county of Windham, on the 3d Tuesday of November, A. D. 1843.

In which cause Joseph Dix and others are petitioners, and the West River Bridge Company are petitioners. The adverse party was notified, and did attend.

Certified by me, LARKIN G. MEAD, *Just. Peace.*

The within deposition of Amos Thomas was taken and sealed up by me. LARKIN G. MEAD, *Just. Peace.*

Filed and opened August 9, 1843. M. MILLER, *Clerk.*

I, Hollan Pettis, of Brattleboro', county of Windham, on oath say, that I am 55 years of age. I was born and have resided from my birth within fifty rods from West river bridge, in said Brattleboro'. I recollect when the first bridge was built, where the present bridge now stands, and worked in helping build said first bridge. My business was in steering boat in getting in timber and gravel. At that time the current ran on the north side of the river, now occupied by the causeway. The bottom was, as now, gravelly. You run a bar through the crust of gravel and come to sand. When the pier was sunk, the workmen were obliged to build a curb to keep out the water whilst they dug out the sand within the curb. After they had sunk the curb some 4 or 5 feet below the bed of the river, they bailed out the water and put in hay, and on top of this hay they laid the foundation timbers of the pier. These timbers were laid cross-wise, trunnelled together, and some of them locked together—each successive course crossing each other, leaving square spaces, which were filled in with stone. This pier was much larger than those now built under bridges usually. I consider it was a very expensive bridge to build. The surface of the pier towards the current of the stream was an inclined plane; on the surface of this inclined plane, and in the centre of it, was constructed an ice-breaker, composed of sticks of solid timber strongly bolted together, or trunnelled together. The ice-

breaker did not extend to the top of the pier, but the pier extended perpendicularly above the top of it several feet. The superstructure of the bridge was as is exhibited in Fig. C, belonging to Nathaniel Bliss' deposition, and each timber composing the several stringers was griped to one of the large timbers, in the interior of the pier, by a strong white oak gripe, after the manner exhibited in Fig. D, hereto annexed. After the bridge was built, the ice, when the river broke up, would dam up against it, and the current of the river changed to the south side of the river, and land formed from this pier north to the main land.

Above this bridge—some three rods—there was an island on the south part of the stream, which was all carried off in one freshet. This was before the bridge was built—say 2 or 3 years. When the 2d bridge was built, the pier and abutments were permitted to stand as before. This 2d bridge was built with timber arches. The 3d bridge was built in 1820 or 1821. Thomas G. Carey, esq., and Nathaniel Bliss, were present much of the time during the building of this last bridge, and seemed to me to have the direction of the business of building it. I think the value of the pier left on taking down the 2d bridge, was worth $400 or $500 to one who should build the third bridge. I think it would have been cheaper to have built a bridge north from the pier than to build the causeway that was built. Nathaniel Bliss, Arnold J. Hines and myself, were called upon, some three or four years ago, to calculate the expense of building a bridge across West river, where a road had been laid, a short distance above the present West river bridge, with stone pier and stone abutments, with two arches, and in other respects like the present bridge. After careful examination, I then estimated the expense of such bridge between $6000 and $7000, as I think. This new bridge was to be at the south end, 80 feet from the present bridge, and the north end was to come in contact with the north end of it. There is a slight depression in the centre of the present bridge, which was built A. D. 1841. This occurred from the tresses under the centre of the bridge settling in the sand or mud, whilst the other tresses did not sink. I have discovered no alteration in this depression since the bridge was finished. I should hardly think this bridge was as stiff as other bridges built after the same fashion; on the whole, however, I call it a strong bridge. When I have stood on it, whilst teams were passing, I could feel it tremble more than the bridge over the Connecticut, near our village, would, which is built after the same plan. I consider it safe against falling.

HOLLAN PETTIS.

[For Fig. D. see original.]

STATE OF VERMONT, *Windham, ss:*

At Brattleboro', in the county of Windham, on this 9th day of August, A. D. 1843, personally appeared Hollan Pettis, and made oath that the foregoing deposition, by him subscribed, contains the whole truth and nothing but the truth.

Before me, LARKIN G. MEAD, *Just. Peace.*

The foregoing deposition, taken at the request of the West River Bridge Company, in the matter of the acceptance of a report upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for the county of Windham, on the third Tuesday of November, A. D. 1843, in which cause Joseph Dix and others are petitioners, and the West River Bridge Company are petitioners. The adverse party was notified, attended, and did not object.

Certified by me, LARKIN G. MEAD, *Just. Peace.*

The within deposition of Hollan Pettis was taken and sealed up by me. LARKIN G. MEAD, *Just. Peace.*

Filed and opened August 9, 1843. M. MILLER, *Clerk.*

I, Nathaniel Bliss, of Brattleboro', in the county of Windham, on oath say, that I have been a director of the West River Bridge Company since October, A. D. 1830, and since August, A. D. 1841, I have been treasurer of said company as well as director. I am not a shareholder in said company.

Question by the attorney of the West River Bridge Company.—Look on the book now shewed you, marked A; to what person or body politic does it belong, and how long have you known it; and where has it been kept since you first knew it?

Ans. This book belongs to the West River Bridge Company; I have known it since I was elected treasurer of said company, about two years ago, and from that time I have had the keeping of said book.

By same. How long have you lived in Brattleboro'? What was the situation of the bridge of said company when you first knew it?

Ans. I have lived in Brattleboro' since A. D. 1806; at that time the bridge was built in the form, and after the manner, of the annexed plan, or profile, marked C, resting on a pier in or near the centre, and each end resting on a ledge, supporting the abutments, which were principally made of wood; under one half of the bridge, (whether it was the north or south half I can't now say,) there were then standing one or two trussels; whether they were originally built there, or put in afterwards to strengthen it, I don't know; each of the stringers were built as in the profile annexed—a timber running from the ends of each of the lateral timbers, call[ed] a girt, across to the opposite side stringer to tie the side and intermediate stringers together, and to support the bridge. I think there were four stringers built, according to the view in the profile. The flooring rested on the upper timber exhibited in the profile. These tim-

bers were large. The pier was constructed in the form of figure marked B, annexed, and was placed a little nearer to the south than to the north abutment. Pier was built of timbers locked together at the ends, and filled in with stones. The upper half of the pier on the west side was built slanting from the west side of the lower half to near the west stringer, in form of the roof of a barn, and a large stringer, in triangular form, fastened upon the slant of this pier, intended as an ice-breaker. The timbers forming this pier were trunnelled together, as well as locked together, where they crossed each other.

Question by same. Have you practised bridge building? and, if so, what was the state of that art in 1796, compared with its present state?

Ans. I have built several bridges; one across the West river, where the bridge in question stood; one across the Connecticut river, and others. I think there have been improvements in bridge building since 1796.

By same. Considering the state of the art in 1796, what should you estimate the expense of such a bridge as you have been describing?

Ans. I can't tell, otherwise than from the record of the expense of building the first bridge contained in the book of said company marked A, before referred to. I have examined the account of the expenses of building said bridge, made in said book, and think them reasonable, as far as I know, not knowing whether they paid extravagant prices or not.

By same. Of what is the bed of the river composed?

Ans. In some places, when sounding to place horses, I found the bottom was very hard; in others, very sandy. These examinations were made in 1841. In some places I could sink a pole three feet, and in others I could'nt sink it at all.

By petitioner's attorney.—Was you able to recollect the time you have been director from recollection, or otherwise?

Ans. I stated it from recurring to the records of the company.

By same. Was timber scarce or plenty when you first moved into Brattleboro'?

Ans. Timber was more plenty in those days than now. I can't tell what the price of timber then was, but in 1821 I had occasion to purchase timber for the rebuilding of this bridge; I then purchased in Walpole, and give, I think, seven dollars per hundred cubic feet, delivered here, and stone, suitable for filling the piers of the bridge, were plenty in the neighborhood of the bridge.

Question by same. What was the length and heighth of the bridge, standing, when you came in town?

Ans. I should think it was about 300 feet—330 as near as I can recollect. The heighth, I should think, was from 12 to 15 feet above the water.

Question by same. Has the present bridge settled in the middle since it was built?

Ans. No more than bridges of this construction usually do. When we built the bridge, some of the horses sustaining it were placed in the *mud* in the bottom of the river, others on hard bottom; when the weight of the bridge was put on those horses, those standing in the mud settled,

the others stood firm, which prevented me making an arch; and that is the cause the bridge is not crowning.

Question by same. Who were the owners of the first bridge?

Ans. I don't know, except from the records.

Question by same. Who owns the bridge now?

Ans I don't know; 'tis said, and I suppose, Mr. Perkins, of Boston, owns it.

Question by attorney of West River Bridge Company.—You speak of a rebuilding in 1821; was the wood work then constructed of the same length, or was any thing, and if so, *what*, substituted for a portion of the wooden structure?

Ans. The bridge, from the south abutment, built in 1821, was 150 feet long to the present north abutment, which stands on the old pier before spoken of. A causeway was then built of stone, filled up with earth, from said north abutment, or pier, to the ledge forming the north terminus of the first bridge; said causeway was filled up to what we thought high water mark with stone.

By same. What was the cost of that stone causeway and the pier?

Ans. I think it was between thirty-three and thirty-four hundred dollars, as appears by the book. I know the first contract with Luke S. Rand was $3,000, and afterwards additional sums were added, amounting to from $300 to $400, for extra services.

NATHANIEL BLISS.

(For map see original.)

STATE OF VERMONT, *Windham, ss:*

At Brattleboro', in said county of Windham, on the 8th day of August, 1843, personally appeared Nathaniel Bliss, and made oath, that the foregoing deposition by him subscribed contains the whole truth, and nothing but the truth. Before me,

LARKIN G. MEAD, *Just. peace.*

The foregoing deposition of Nathaniel Bliss, taken at the request of the West River Bridge Company, in the matter of the acceptance of a report upon the petition of Joseph Dix, and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for said county of Windham, on the 3d Tuesday of November, A. D. 1843, in which cause Joseph Dix and others are petitioners, and the West River Bridge Company are petitioners.

The adverse party was notified, attended, and objected.

Certified by me, LARKIN G. MEAD, *Just. peace.*

The within deposition of Nathaniel Bliss was taken and sealed up by me,

LARKIN G. MEAD, *Just. peace.*

Windham county court, clerk's office, New Fane, filed and opened August 9, 1843.

M. MILLER, *Clerk.*

I, George H. Clack, of Brattleboro', county of Windham, of lawful age, on oath say, that I made a survey of West river bridge, in Brattleboro', together with the banks of the river where said bridge crosses it the present week. The plan of said survey, hereto annexed, was drawn by me, and presents a true and fair delineation thereof. The floor of said bridge is 25 feet above the surface of the water in the river. The causeway at the north end of the bridge is raised about 15 feet above the level of the ground each side; the width of the causeway varies from 24 to 30 feet wide. The width of the bridge is 19 feet, and its length is 171 feet. The length of the causeway, from the north end of the present bridge, is 153 feet; the abutment on the south side (about 20 feet) is not included in the 171 feet given as the length of the bridge.

GEORGE H. CLACK.

STATE OF VERMONT, *Windham, ss:*

Town of Brattleboro', August 5th, 1843, then George H. Clack, of Brattleboro', aforesaid, personally appeared, and after being carefully examined and duly cautioned, made solemn oath, that the foregoing deposition by him subscribed, contains the whole truth, and nothing but the truth. Before me,

LARKIN G. MEAD, *Just. peace.*

The foregoing deposition, taken at the request of the West River Bridge Company, in the matters of the acceptance of the report upon the petition of Joseph Dix, and others, to be heard and tried before the honorable county court, next to be holden at New Fane, within and for the county [of] Windham, on the third Tuesday of Nov., A. D. 1843, in which cause Joseph Dix and others are petitioners, and the said West River Bridge Company petitioners; the adverse party was notified, and did attend. Certified by me,

LARKIN G. MEAD, *Just. peace.*

The within deposition of George H. Clack was taken and sealed up by me,

LARKIN G. MEAD, *Just. peace.*

Windham county court, clerk's office, New Fane, filed and opened August 9, 1843.

M. MILLER, *Clerk.*

I, Epaphroditus Seymour, of Brattleboro', being duly sworn, depose and say, that, in the year 1826, I was elected a director of the West River Bridge Company, soon after the death of Jona. Hunt, esq. The book marked A, hereto annexed, came into my possession as an officer of said company, and this book continued in my possession until Nathaniel Bliss was elected treasurer of said company, A. D. 1841. Jona. Hunt, esq., died May, A. D. 1832.

EPAPHO SEYMOUR.

STATE OF VERMONT, *Windham, ss:*

At Brattleboro', in the county of Windham, on this 4th day of Au-

gust, A. D. 1843, personally appeared Epaphroditus Seymour, and made oath, that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth. Before me,

LARKIN G. MEAD, *Just. peace.*

The foregoing deposition, taken at the request of the West River Bridge Company, in the matter of the acceptance of a report upon the petition of Joseph Dix, and others, to be heard and tried before the honorable county court, to be next holden at New Fane, within and for said county of Windham, on the third Tuesday of November, A. D. 1843, in which cause Joseph Dix and others are petitioners, and the West River Bridge company are petitioners.

The adverse party was notified, and did attend.

Certified by me, LARKIN G. MEAD, *Just. peace.*

The within deposition of Epaphroditus Seymour was taken and sealed up by me,

LARKIN G. MEAD, *Just. peace.*

Filed and opened, August 9, 1843.

M. MILLER, *Clerk.*

I, Lemuel Whitney, of Brattleboro', county of Windham, aged 78 years—I have lived in Brattleboro' since A. D. 1791. The first bridge over West river, on the site of the present bridge, was built A. D. 1796; Major Todd, who superint[end]ed building said bridge, boarded with me while building said bridge. I recollect hearing said Todd say that the foundation of the pier of said bridge was very sandy. William Sargent undertook to furnish the timber and build said bridge, and said Todd was the clerk of said Sargent. Said Sargent was at my house occasionally during the building, and at such times boarded at my house. Neither said Todd nor said Sargent, I believe, are now living. I have had correspondence with said Todd; think I have seen him write, and that I should know his writing.

Question by J. D. Bradley, attorney for the West River Bridge Company.—Look on the first fifteen pages of the book now shewn you, marked A, containing what purports to be a "statement of the expenditures on West river bridge, Brattleboro';" in whose handwriting are said fifteen pages, and the signatures thereto?

Ans. I have no doubt the writing on those fifteen pages of the book shewn me, is all in the handwriting of Major William Todd, of whom I have before spoken, except about two lines on the 10th page of said book, which is in the handwriting of J. W. Blake, esq.

Question by same. Is Elnathan Allen living or dead?

Ans. He is dead.

LEMUEL WHITNEY.

STATE OF VERMONT, *Windham, ss:*

At Brattleboro', in said county of Windham, on this 7th day of Aug., A. D. 1843, personally appeared Lemuel Whitney, and made oath, that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth.

Before me, LARKIN G. MEAD, *Just. Peace.*

The foregoing deposition, taken at the request of the West River Bridge Company, in the matter of the acceptance of the report upon the petition of Joseph Dix and others, to be heard and tried before the hon. county court, next to be holden at New Fane, within and for the county of Windham, on the third Tuesday of November, A. D. 1843, in which cause Joseph Dix and others are petitioners, and said West River Bridge Company are petitioners; the adverse party was notified, attended, and objected.

Certified by me, LARKIN G. MEAD,
Just. Peace.

The within deposition of Lemuel Whitney, was taken and sealed up by me.

LARKIN G. MEAD, *Just. Peace.*

Filed and opened, August 9, 1843.

M. MILLER, *Clerk.*

A copy of the first fifteen pages of Book *A*, referred to in Lemuel Whitney's deposition:

Statement of expenditures on West River Bridge, Brattleboro'.

1796.	Journey to Amherst	£1 2		
	Horse after Capt. Mack	10		
	Stoughton Dickerson's journey	1 2	6	
	17 bbls. cyder	17 0	0	
	Cash paid Mack, first time	1 4		
	Dickerson's house exp.	16	8	
	Horse after Capt. Mack	10		
	Do to return on	10		
	Bemis, for rope and hook	3	6	
	Pettis' exp. to Amherst	12		
	Calvin Munnis' acc.	5		
	Cash for water cask	4		
	341 lbs. beef	4 5	3	
	Solomon Robbins, rafting	12		
	Quire paper, 1s. 8d., exp. after March, 12s.	13	8	
	51 lbs. mutton	13		
	pd. boating boards	6		
	60 lbs. veal	15		
				£31 4 7
	Bemis, for bar, augur, &c.	1 13	6	
	Paper and quills	2	4	
	Bemis, for tin ware	4	5	
	Mixter, 2 days	9		
	Heifer, and driving	6		
	5 m. shingles, and carting	3 6		
	E. & Levi Edgel	3		
	Josiah Adams' acc.	3 3		
	Bellus, pd. repair	3 15		
	Chandler & Bigelow's bill	1 19	3	
	Pd. 8 Sunday labourers	1 12		
	Expenses after augur to Keene	3		
	Mare and horse after do.	8		
	Use boat, boating boards and sand	1 4		
	To pd. Saxton, pr. receipt	3		
				26 19 6
	Carried on	-		£58 4 1

STATEMENT—Continued.

1796.		Amount bro't on	-	£58 4 1	
	To pd. Paul Hayward - - - -		3		
	265 lbs. pork - - - - -		8 16 8		
	Cash and carting - - - - -		4 8		
	4 bush. potatoes - - - - -		8		
	Shoeing Mack's horse - - - - -		2		
	Half bbl. *sope* - - - - -		1		
	Trunnel, &c. - - - - -		9 6		
	Amount Brown's bill - - - - -		8 11		
	Cash for Underwood's exp. - - - -		1 16		
	Do do do - - - -		12		
	500 bricks - - - - - -		12		
	Potatoes, 2s., do., 8s. - - - -		10		
	Cash pd. for steer - - - -		6		
				29 4 10	
	Cash pd. for heifer - - - - -		5 5		
	12 axe helves - - - - - -		6		
	Timber for mauls - - - - -		1		
	Avury, pr. rect. - - - - -		16		
	William Goddard - - - - -		16 2		
	Frost & Bailey - - - - -		2		
	Aaron Thomas - - - - -		1 12 1		
	Tims Prouts - - - - - -		12		
	Priest and al. - - - - -		15		
	Benja. Bemis - - - - -		17		
				13 0 3	
	Ephm. Rice - - - - - -		12		
	Samuel Daggett - - - - -		18		
	Joel Wilday - - - - - -		9		
	Hiram Houghton, (cash) - - - -		6 8		
	Levi Sargent - - - - -		2 13 3		
	Pratt Chase - - - - - -		5 15		
	Hiram Houghton - - - - -		16 2		
	Asahel Wilson - - - - - -		4 14 6		
	Noadh. Holcomb - - - - -		3		
	Daniel Fuller - - - - - -		17		
	112 lbs, pork - - - - - -		2 16		
	Pettis' account - - - - - -		50 3 2		
				70 3 6	
		Carried on	-	£170 12 8	
		Amount bro't on	-	£170 12 8	
	Josiah Ames' rect. for hay - - - -		£9		
	Harris' rect. for steers - - - - -		10 16		
	2 bushels of oats - - - - -		4		
	Jno. Pettis' 2d acc. - - - - -		14 8 10		
	44 men, Sunday - - - - -		3 6		
	8 bush. wheat, and transpt. - - - -		4 18 6		
	Paid fetching steers - - - - -		3		
	Cash paid for onions - - - - -		1 12		
	Do pd. Emmons - - - - -		9 4		
	8 bush. wheat - - - - - -		3 4		
				48 1 8	
	Men's exp. at Robbins - - - -		4 6		
	To Fuller's bill, boarding - - - -		1 10		
	Paid Corill, pr. rect. - - - - -		3 6		
	Joseph Fuller, jr. - - - - -		1 1		
	Joseph Fuller, jr. - - - - -		2 4		
	Jo. Fuller, for pigs - - - - -		17		
	Cash paid for veal and butter - - - -		13 3		

STATEMENT—Continued.

1796.	Cash paid cab. potatoes, and onions		12 6	
	Stoughton Dickenson's bill		9 12 6	
	Adv. his exp. after Mack		12 6	
	Raftmen, rolling in logs		6	
				£20 19 9
	Cash paid Woods and al.		2 9 6	
	Lemuel Stoddard		1 13	
	Boating casks cyder		7 6	
	5 m. brick		7 10	
	9 bush. wheat		3 12	
	Hhd. cyder		3 2 6	
	6 bush. potatoes		12	
	26 lbs. mutton		9	
	Jno. Sargents		1 19	
	Jno. Plummer		13 0 6	
	Jo. Fuller, jr., bal. due		2 6	
	Samuel Pratt		2 19 5	
	Cash for butter		6	
				38 2 11
		Carried on	-	£277 17
		Amount bro't on	-	£277 17
	Moses Barber		1 10	
	Reuben Lillie		1 19	
	Pettis' exp. after Rope		6	
	Cabbage and roots		13	
	Cotten for cum and spin'g		4 6	
	Asa Brown		4 15 3	
	Goodwin, shoeing oxen		1 9 4	
	6 bush. rye		1 10	
	5 yds. tow cloth		8 4	
				12 15 5
	2½ hund. 3 inch plank		1 13 9	
	Sundry measures, &c.		6 3	
	Pd. for sundries		6	
	Pd. Hall for an augur		7 6	
	2 bush. beans		11	
	200 wethers brick		6	
	9 bush. wheat		3 12	
	6½ bush. rye		1 12 6	
	Heifer of D. Frazier		4 12 9	
	William Hollin		5 8	
				18 15 9
	Steer of John Hummell		7	
	571 lbs. beef, a 25s.		7 2 6	
	Cash paid for cod line		6	
	" " for mutton		9 10	
	6 lbs. butter		4 6	
	Cash paid for grain		2 18	
	Avery for potatoes		1 15	
	Samuel Pratt		11 6	
	Asa Chaffa		3 14 6	
	Asa Brown		18	
	Streeter		3 12	
	Moses Barrows		1 8 6	
	Jno. Dodge		5 14	
	Willson		4 14 6	
	Mutton Day		2 14 9	
	Joel Welder		15 4	
				43 18 11

STATEMENT—Continued.

1796.		Carried on	-	£353	7 1
		Amount bro't on	-	£353	7 1
	Cash for 289 lbs. pig		3 19 3		
	13 bush. rye		3 5		
	2 bush. Indian corn		8		
	John Fuller		7 6		
	John McCune, steers		10 12		
	Henry Wyman		8 10 3		
	B. Butterfield, fresh pork		2 3		
	Cash paid for potatoes		1 18		
	Henry Sturns, pr. rect.		18		
	John Dodge, for cr.		1 4		
				36	16
	2 bush. Indian corn		8		
	Bemis, per rect.		1 16 7		
	Samuel Baker		6 7 6		
	Jed'h Widman		1 0 7		
	Caleb Higgins		1 13 5		
	Alpheus Higgins		1 14 5		
	Gideon Bowker		2 14		
	David May		1 18		
	Advertising for workmen		3		
	2 bush. oats		4		
	195½ lbs. beef		2 7		
	1 c. new rigging		6		
				26	6 1
	H. Dickenson's rigging		21		
	Use Higgins' boat		15		
	Alxr. Kelley		2 5		
	James Bowker		16		
	J. Pettis, jr., pine, hemlock, &c.		1 10 7		
	Solomon Wheeler		10 9 7		
	Rec'd Wells		19 6		
	Grimes, 15 t. hay		1 7 6		
	2 bush. rye, 10s., corn, 8s.		18		
	Wheat, 16s., 12 l. powder, 92s.		5 8		
	Exp. and horse hire (powder)		12		
	3 lbs. gunpowder		1 4		
	Steer of D. Frazier		5 15 6		
				53	0 2
		Carried on	-	£469	9 4
		Amount bro't on	-	£469	9 4
	Isaac Estep's account		42 19 7		
	4 bush. corn		16		
	Cash paid Mr. Stevens		1 7		
	Asa Dutton		3 19 3		
	Jesse Stockwell		3 7 9		
	Whip lash, 9d., cart to Keene, 4s.		4 9		
	Cash paid for nails		8 10 1		
	2 bush. rye		10		
	Exp. after nails		3		
	Rich'd Coughlan, pr. rect.		11 8		
				62	9 1
	3 bush. corn, 12s., 3 do. rye, 15s.		1 7		
	217 lbs. pork		8 2 9		
	2½ bush rye, 12s. 6d., corn, 16s.		1 8 6		
	8 lbs. gunpowder		3 4		
	Calvin Sargent, veal		5 4		

STATEMENT—Continued.

1796.	Bemis, horse hire		4		
	Asa Dutton, hay		18		
	Thomas Coughton, mutton	2	2	1	
	Cash paid Banett		5	6	
	Ferriage after nails		1	6	
	Charles Greenleaf	4	4		
				£22	2 8
	Cash paid P. Banett		12		
	Isaac Gash	5	8	5	
	Cash paid for veal		5	6	
	158 lbs. beef	1	19	3	
	4 bush. potatoes		8		
	8 lbs. gunpowder	3	4		
	Horse and expenses after do.		6		
	Shoeing oxen		17		
	Timber from Major Wild	1	16		
	Paid surveyor		4		
	Cash paid J. & S. Chappelle	20	1	3	
				35	1 3
	Carried on			£589	2 4
	Amount bro't on			£589	2 4
	To paid John Dodge	2	1	3	
	2 bush. corn, 8s., 1 do. rye, 5s.		13		
	117 lbs. pork	4	17	4	
	Cash paid John Ames		5		
	4 bush. potatoes		8		
	1 bbl. cyder		1		
	Cash pd. Bethel	14	1	6	
	11 hund. feet, 4 in. plank	8	16		
	James Johnson, lumber	18	19	6	
	Abner Gardner, beef	4	19	2	
	Corn for oxen		16		
	Meat tub, 4s., oats, 8s.		12		
	Cash paid Josiah Jones	28	4		
				85	12 9
	Seth Haskins	10	11	10	
	3 bush. rye		18		
	Pd. Horten, pr. rect.	16	18	6	
	Asa Dutton	3	11	3	
	Underw'd, horse and exp.		12		
	W. W. Blake, powder	2	8		
	Salisbury, pr. rect.		3		
	Whipple pr. do		6		
	Dr. Dickeman, steer	7	16		
	Charles Gaines	10	19	9	
	John Wright	5	16	8	
				60	1
	Eben'r Chamberlaine	4	13		
	Leather of Mr. Barber	1	5	8	
	D. Simmons, mending harness		3		
	T. W. Davenport	3	7	6	
	Pratt Chase	3	5		
	Cash for crackers		9		
	Abner Gardner's lumber	11	14	1	
	Capt. Stack's bill	93			
	Shoeing oxen		16		
	Nich. Horten	1	10		
				126	3 1
	Carried on			£860	19 2

STATEMENT—Continued.

1796.						
	Amount bro't on			£860	19	2
	To paid for washing for men		16			
	Undrawn allowances	2	1	9		
	John Stiles & Sons	117	6			
	John Wright		9			
	Abel Grant	9	8	3		
	Samuel Newton	10	16	7		
	Maj. Wellman	7	0	7		
	Josiah Tombs	9	15	6		
	Samuel Baker	6	17	1		
	D. French	6	13	7		
	J. & S. Chappelle	2	10			
	Paid Clark carting boards		6			
				174	0	4
	John Underwood	35	11			
	C. & A. Higgins	34	6	6		
	Isaac Bigelow		6			
	Josiah Arms	19	5	4		
	Richard Coughton	11	18	6		
	Thomas Coughton	10	8	1		
	Silas Burrett		15			
	James Hail	10	0	3		
	James Wyman	22	2	6		
	Zacheus Gates		9	15		
				154	8	2
	Jasen Duncan, esq.	1	13			
	Bemis, drawing stone	1	16			
	Stephens, do.	1	7			
	Cash paid for guide boards	1	6	6		
	Bbl. cyder	1				
	Wilder & Sabins	98	8			
	John Pettis, per rect.	8	10	1		
	Sunday men, 1-6 each	2	8			
	Temple's account	330	6			
	Cash paid Fisk & Burt	1	0	6		
				447	15	1
	Carried on			£1,637	2	9
	Amt. bro't on			£1,637	2	9
	Cash paid Lewis Daggett et al.	22	5			
	Joseph Fuller's acc.	2	16	2		
	E. Gleason, acc. timber	38	7	4		
	Sargent & Whitney	29	0	1		
	Benja. Whitney	9	18	1		
	Dickerman & Barber	36	14	1		
	Holbrook & Co.	261	4	4½		
	George H. Hall	79	0	4		
	Jona. Townsend	13	4	5		
	Sundry blocks (Mack)	3	12			
	Jona. Church's bill	4	10			
				500	5	10½
	Cash paid 2 women, per rect.	5	8			
	Lemuel Whitney's bill	20	12	5		
	Silas Shaw, 18 days	2	2	3		
	Jeremiah Hays		18			
	Oliver Heartwell, team 2 days		12			
	Rich'd Coughton		2	6		
	Jesse Pratt	8	18	3		
	W. T. Whitney	115	11	6		
	Cash paid for p.			9		

STATEMENT—Continued.

1796.	Levi Knights	3 11 4		
	Andrew Haskell	5 8		
			£163	5
	Andrew Chandler	5 13		
	Aaron Brown	6 3		
	Benja. Burt	23 15 3		
	E. Emmons	3 15 2		
	J. K. Hale	105 16 4		
	A. Higgins	12		
	Use W. T. boat	1 4		
	7 bush. rye	1 15		
	4 bush. potatoes	8		
	Horse hire after Mack	10		
	Wm. Sargent's acct.	24 5 3		
	Turkey	3 4		
			174	0 4
	Carried on	–	£2,474	13 11½
	Amount bro't on	–	£2,474	13 11½
	Rich'd L. Jones, per acc.	54 13 2½		
	4 bush. wheat, J. W. B.	2 8		
	To paid Jesse Hays	10		
	800 spiles	2 8		
	Wilder's exp. to Windsor	2 2		
			62	1 2½
			£2,536	15 2
	Amt. of acc. J. W. Blake, as pr. acc. filed	–	90	5 4
			£2,627	0 6

BRATTLEBORO', *Feb'y 2nd*, 1797.

Save errors and omissions.

WILLIAM TODD.

Statement of drawbacks from the foregoing account, viz:

1797.				
	Pump ad. to church	£1		
	From Holbrook's bill	37 19 11		
	From Townsend's	5 3 11		
	From Hall's	26 19 10		
	Jones'	30 7		
	J. Duncan's	17 6		
	Shovel, 6; rope, 4 6; 2 shovels, 9 6	1		
	394 lbs. ptg	4 2 1		
	30 lbs. chain	1 7 6		
	55 lbs. tallow	2 5 10		
	228 lbs. hide	3 6 6		
	2 shovels	12		
			£115	2 1
	Sundry tickets	4 10		
	Toll money rec'd	2 17		
	Amt. hides, Barbor	11 12 2		
	237 lbs. beef, Whitney	3 4		
	Tallow beef, veal, &c., do.	2 7 4		
	Rum, dld. Pettis	3 12 6		

STATEMENT—Continued.

1796.	Pork, dld. Pettis		2 16	
	Beef, to do.		4 5 3	
	Axe, dld. Coughten		1 7	
	Acct. vs. J. W. Blake		13 5	
	Exm'd per beef, Pettis		1 2 9	
	Haskell & Horton's, exm.		4 9 9	
				£54 8 9
	Timber near the bridge.			
	Timber at B. Whitney's.			
	Rigging blocks, axes, chains, &c.			
	Dld. J. W. Blake, esq., (supposed)		–	45
	12 lbs. chain, dld. Horton		–	15
	22½ lbs. pork to Holbrook		–	18 11½
	32 lbs. 20d nails		–	1 8 10
	47 lbs. tallow		–	1 19 2
	3 pails		–	4 6
		Carried on	–	£219 17 3½
	Drawbacks bro't on and continued		–	£219 17 3½
	From Jona. R. Hall's bill		–	34 5 9
	From Mr. Jones' acc., E.		–	11
	William's acc. charged twice		–	4 16 6
		Amount of drawbacks	–	£258 19 6½

BRATTLEBORO', *Feb'y 2d*, 1797.

Save errors and omissions.

WILLIAM TODD.

From Holbrook's acc., viz: 1 spade returned		6	
Error charged wrong posting		2 13	
			2 19
Jan'y 16, 1797.			£261 18 6½
Deduct wrong entry of tickets		4 10 0	
Toll money		2 17 0	
			7 7 0
		–	£254 11 6½

Errors excepted. WILLIAM TODD.

1797.	Amount of all expenditures by the foregoing account is		£2,536 15 2
	Amount of drawbacks do. is		258 19 6½
		Nett amount	£2,277 15 8½
	To this sum add—		
	William Todd's ac.		105
	William Sargent's do.		71 10
			2,454 16 6½
	Deduct—spade and error		2 19
			£2,451 17 6½
	Further all'd W. Sarg't		10
	Add toll and tickets		7 7
			£2,469 4 6½

Errors excepted. WILLIAM TODD.

DR. Owners of W. R. Bridge in account by J. W. Blake, their agent.

1797.				
June 16	To amount of general account stated and allowed this day	-	£2,536	15 2
	To W. Todd's services	-	105	
	To my services	-	82	10
	Int. all'd on notes acct.	-	3	15
			£2,728	0 2

Current with William Sargent. CR.

1797.				
June 16	By amount of owner's account as adjusted	-	£2,458	7 7
	By cash to acct. int. on notes	-	3	15
	By balance paid in full	-	265	17 7
			£2,728	0 2

BRATTLEBORO', *June* 17, 1797.

Save errors and omissions for said William Sargent.

WILLIAM TODD.

Page 17, *of Book marked A.*

I, Elnathan Allen, esq., of Brattleboro', county of Windham, and State of Vermont, solemnly depose and say upon oath, that for the last twenty-five years I have been employed by the *West River Bridge Co.*, to receive the tolls at their bridge in said Brattleboro', and have, during that time, resided in the house standing next to said bridge; that when said bridge was rebuilt, in the year of our Lord one thousand eight hundred and twelve, I well knew John W. Burke, esq., and Capt. Biley Kingley, bridge builder; the former was the treasurer and agent of said corporation, and the latter was the person who contracted for the building of said bridge. That said Blake and Kingsley are both deceased, and that no memorandum or written contract, as I have understood, can now be found, respecting the expenditures in rebuilding of said bridge.

I also declare, that I boarded said Kingsley, and his workmen, while rebuilding said bridge; that said Burke was frequently at said bridge, and in my house, with said Kingsley; that I often heard them converse about the same, and that I understood from both, that the principal contract for the rebuilding was two thousand dollars, and that the expense in repairing and fitting the ends was about two hundred dollars, making the whole amount about twenty-two hundred dollars.

ELNATHAN ALLEN.

December 7, 1821.

Windham county, ss:

BRATTLEBORO', *December seventh, A. D.* 1821.

Then Elnathan Allen, the signer of the above affidavit, personally

appeared before me, and made solemn oath the same is just and true, according to his best knowledge and belief.

JONATHAN HUNT, Jr.,
Justice of peace.

I, Nathaniel Bliss, of Brattleboro', being duly sworn, depose and say, that I am one of the directors of the West River Bridge Company, but own no stock therein. I am also acquainted with building of bridges, and from my knowledge of bridge-building, I do not think such a bridge, with the abutments, can be built short of eight thousand dollars.

As an investment, I think the property and franchise of the company worth about six thousand dollars.

It was assessed, by the *listers* of the town of Brattleboro', in the year 1842, at five thousand five hundred dollars.

NATHANIEL BLISS.

State of Vermont, county of Windham, ss:

Brattleboro', *May* 29, 1843.

The above deposition of Nathaniel Bliss, taken to be used in a matter of a report upon the petition of Joseph Dix and others, against the town of Dummerston and others, to be heard before the county court, within and for said county of Windham, on the last Tuesday of May instant.

Taken, subscribed, and sworn to before me—

Joseph Dix being notified, did not appear.

SAMUEL SIKES,
Justice of the peace.

Filed May 31, 1843. M. MILLER, *Clerk.*

I, Epaphro' Seymour, of Brattleboro', being duly sworn, depose and say, that for the last ten or twelve years, I have been conversant of the affairs of the West River Bridge Company, and acquainted with its receipts and expenditures, and from my knowledge of its income and expenditure, and of this description of property, I deem the property and franchise of said company to be worth about six thousand dollars. This estimate is made upon the supposition, that money is worth six per cent. Large capitalists, seeking for permanent investments, and willing to take up with a smaller interest, might, and probably would, deem the property and franchise worth more.

EPAPHRO' SEYMOUR.

State of Vermont, county of Windham:

Brattleboro', *Aug.* 29, 1843.

The above deposition of Epaphro' Seymour, taken to be used in a matter of report upon the petition of Joseph Dix and others, against the town of Dummerston and others, to be heard before the county court, within and for the county of Windham, on the last Tuesday of May instant.

Taken, subscribed, and sworn to before me—

Joseph Dix, being notified, did not appear.

SAMUEL SIKES, *Justice of the peace.*

I, Thomas G. Cary, of Boston, in the county of Suffolk, and State of Massachusetts, of lawful age, being duly sworn, depose and say, that since the year eighteen hundred and twenty, I have acted as treasurer or agent of the stockholders of the West River Bridge Company; that the bridge of said company, over the West river at Brattleboro', in Vermont, was rebuilt, under my direction, in the year eighteen hundred and twenty-one, at the cost, according to my recollection and belief, of about three thousand one hundred and fifty dollars; that the net receipts of toll, from that time to the present, paid over to me, after deducting costs of collection and repairs, (but not deducting the cost of rebuilding the arch in 1841,) have been five hundred and five dollars per annum, on an average, or thereabouts; that the toll has increased of late, and would average about six hundred dollars per annum, free of all charges and repairs; that, in my opinion, founded on long management of this property, forty dollars per annum, deducted from the receipts, would, if laid by at interest, be sufficient to provide for any rebuilding that may be necessary hereafter, the costs of rebuilding in 1841, having been only fifteen hundred dollars, or thereabouts, and the wood work being likely to endure longer than it had done previously; that, in my belief, there is good reason to expect that the income will continue to increase, and that the property is worth the sum of ten thousand dollars to the present company, at the least.

THOMAS G. CARY.

State of Massachusetts, Suffolk county, ss:

AT THE CITY OF BOSTON,
Twenty-seventh day of May, A. D. 1843.

Then Thomas G. Cary, of Boston, in the county of Suffolk, and State of Massachusetts, personally appearing, and after being carefully examined, and duly cautioned, made solemn oath, that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth.

Before me, Peter S. Wheelock, of said city of Boston, in said county of Suffolk, and State of Massachusetts, a commissioner, duly appointed, commissioned, and sworn, according to the laws of the State of Vermont, to take depositions and other instruments in writing, to be used and recorded in said State of Vermont.

PETER S. WHEELOCK, *Commissioner.*

The above deposition, taken at the request of the West River Bridge Corporation, to be used in a cause to be heard and tried before the honorable county court, next to be holden at Newfane, within and for said county of Windham, and State of Vermont, in which cause Joseph Dix and others, petitioners for a bond, are plaintiffs, and Brattleboro', and Dummerston, and the West River Bridge Company, are defendants.

The deponent living more than thirty miles from the place of trial, and out of the State of Vermont, is the cause of taking this deposition;

and the adverse party, living more than thirty miles from the place of caption, was not notified, and did not attend.

Certified by— PETER S. WHEELOCK,
Commissioner.

Filed and opened May 31, 1843.

M. MILLER, *Clerk.*

I, Nathaniel Bliss, of Brattleboro', in the county of Windham, and State of Vermont, depose and say, that I have seen the deposition of Thomas G. Cary, filed in this cause, and that I assisted in rebuilding the West river bridge referred to therein, in the year of 1841, and that the said rebuilding was of the wood only, unless, perhaps, some little raising and ejectment of the abutments, for the reception of the new bridge, which is a covered one; a very heavy expense had been incurred in the stone work, which remained, and was not on that occasion, *was not* rebuilt.

NATHANIEL BLISS.

Windham county, ss:

NEWFANE, *June* 8, 1843.

Subscribed and sworn to before me—

SAMUEL KNIGHT,
Justice of the peace.

Taken at the request of the West River Bridge Company, to be used in the county court, now in session at Newfane, in said county, in the matter of the report of commissioners on the petition of Joseph Dix and others.

SAMUEL KNIGHT,
Justice of the peace.

I, Lovel Farr, of Brattleboro', in the county of Windham, on oath say, that I am, at this time, and have been for fifteen years past, owner of a stage running from said Brattleboro' to Walpole, N. H., through the town of Dummerston, on the west side of Connecticut river, and have, during this time, given great attention to the subject of improving the stage road through said Dummerston. I own no land or other property on said stage route, except stage property, to be affected by any alteration in said road. I have accompanied all the committees who have examined the different proposed routes through said town, and am decidedly of opinion that the road called the *Indicted road*, with alterations at Murder hollow, and from thence to Putney south line, which alterations I understand the selectmen of Dummerston to have made, when well made, would be the best road that could be made through said Dummerston for the accommodation of the public travel. In the summer I now run a stage over said route twice a day, and for six years, of the last fifteen years, have run three or four times a day over the same, and have always run once a day, and feel deeply interested in getting the road on the best route.

LOVELL FARR.

STATE OF VERMONT, *county of Windham, ss:*

BRATTLEBORO', *May* 21, 1843.

The within deposition of Lovel Farr, taken to be used in a matter of a report upon the petition of Joseph Dix and others, against the town of Dummerston and others, to be heard before the county court within and for the county of Windham, to be tried on the last Monday of May, inst., was taken, subscribed, and sworn to, before me; and Joseph Dix being notified, did appear, and was present at the taking.

LARKIN G. MEAD,
Justice of the Peace.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

We, Henry Clark and Paul Chase, of Brattleboro', in the county of Windham, and State of Vermont, of lawful age, depose and say, that we are well acquainted with the two routes now laid in the town of Dummerston, designated as the *Indicted road* and the Nourse road; on the Indicted road seventeen families are accommodated, on the Nourse road but three families are accommodated; and if the Nourse is made, the old road must be kept open; and if the Indicted road is made, the Nourse road will be suspended. We intend to confine our remarks to that part of the Indicted road extending from Brattleboro' line to Luther Allen's tavern, and the Nourse road, extending from Brattleboro' line to the school house, on the road leading from said Luther Allen's to Slat hollow. Furthermore the deponents say not.

Fayetteville, 31st May, 1843.

HENRY CLARK,
PAUL CHASE.

Mr. Kimball appeared for the petitioners, and objected to taking the above deposition, but would waive all objections to the certificate.

The above deposition of Henry Clark and Paul Chase, taken to be used in a matter of a report upon the petition of Joseph Dix and others, to be heard before the county court now in session, and was duly subscribed and sworn to, before me.

JAS. L. STARK,
Justice of the Peace.

May term, 1843.
Filed, May 31, 1843.

M. MILLER, *Clerk.*

I, Luther Allen, of Dummerston, in the county of Windham, on oath say, that, in May last, or the first of June, I entered into a written contract with the selectmen of Dummerston to build the "Indicted road," so called in said Dummerston, from Brattleboro' N. line to Lemuel Preston's, in Dummerston. In pursuance of that contract I have commenced making the same, and expect to complete the job in the month of October next.

I am one of five contractors who have bound ourselves by bond to

build the road on said Indicted route from my house, in Dummerston, to Jesse E. Worden's, to build as good a bridge over the brook on said route, north of my house, as the bridge now standing across said brook was when it was new. This bond is in the penal sum of one thousand dollars, was given in good faith, and the obligees are now ready to fulfil it for the sum therein named, to wit, four hundred and fifty dollars, (if requested by said selectmen,) and leaving the old bridge gratis.

Question by petitioners' attorney. Do you not expect to have labour given you by those living on the road, on your contract to build from Brattleboro' line to Preston's?

Ans. I have no guarantee of said labor; but some of the neighbors have said, if I have a hard bargain, they will turn in and assist me.

Q. by same. Do the other five bondmen, who have obligated themselves to build the road north of your house and the bridge, live on the Indicted road?

Ans. They do.

Q. by same. In building the road from Brattleboro' line to Preston's, have you obligated yourselves to grade it to any certain degree?

Ans. There is nothing of that kind in the obligation, though I verbally told them I would grade it to 3½ degrees.

Q. by same. Have you agreed to build the road from your house to Jesse E. Worden's to any certain degree?

Ans. I have not, in the bond.

Q. by same. When do you expect to build the bridge on the Indicted route?

Ans. Within the limits of the survey of the road, when it will be most convenient for the public; there is no agreement about it; but it is to be as high as may be required, so that the hills each side shall not exceed 4 degrees.

Q. by same. Have you examined the site where the bridge must be built; and if so, how high, and how long must it be?

Ans. I have examined it, and shall build it between 20 and 25 feet high, and 120 feet long, besides the abutments.

Q. by same. Is there any thing in your bond specifying how high you shall build the abutments?

Ans. I expect not; I am willing to build as good abutments as are to the other bridge.

Q. by same. Do you expect to build it on the Indicted route?

Ans. As far as I know, I expect to build it on the Indicted route.

Q. by same. Are there any marks and monuments, where the bridge is to be built, put up by the committee?

Ans. No; but we have put some up to-day on the Indicted route, which are a *stake* on the south side, and a hemlock tree on the north side; and I expect to build the bridge from one of these points to the other.

Q. by same. Do you not own a tavern near the bridge to be built, and on this Indicted route?

Ans. Yes, sir.

Question by attorney for Dummerston. Do you, when you use the expression, "I expect to build the bridge," mean that you expect to build it, *if required by the town*, and have not the town the option to procure it done cheaper, if they can?

Ans. I do so mean, and the town have this option.

LUTHER ALLYN.

STATE OF VERMONT, *Windham, ss:*

At Brattleboro', in the county of Windham, on this 7th day of August, A. D. 1843, personally appeared Luther Allyn, and made oath that the foregoing deposition by him subscribed contains the whole truth, and nothing but the truth.

Before me,

LARKIN G. MEAD,
Justice of the Peace.

The foregoing deposition, taken at the request of the town of Dummerston, in the matter of the acceptance of a report upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for said county of Windham, on the third Tuesday of November, A. D. 1843, in which cause Joseph Dix and others are petitioners, and the town of Dummerston are petitioners. The adverse party was notified, and attended, and objected.

Certified by me,

LARKIN G. MEAD,
Justice of the Peace.

Filed and opened, August 9, 1843.

M. MILLER, *Clerk.*

Mr. John Clark and John F. Stearns, selectmen of Dummerston, in the county of Windham, and State of Vermont, of lawful age, depose and say, as near as we can calculate, the liabilities of the town of Dummerston is under for roads and bridges—

The Indicted road, leading from the north line of Brattleboro', to S. line of Putney - - - -	$1,410 00
The Indicted road, leading from the east meeting house, in said town, to Asa Boyden's - - -	700 00
The road laid near the Chamberlain hills, so called -	1,500 00
The Merrill and Hewitt road, so called - - -	500 00

The town, at a special meeting holden on the 6th day of May, instant, voted to raise money enough to build the road near the Chamberlain hills, so called. Also, on the same day, voted to raise six hundred dollars, to be laid out on the Indicted road from Lemuel Preston's to Brattleboro', north line; on the 21st day of May, inst., the selectmen let out the road from said Preston's to Brattleboro' line to be built, and bonds taken for the same.

Also, we have laid out a road round the hill, on the south side of Murder hollow, so called.

The town are indebted to the trustees of the surplus money the sum of two thousand dollars for the expense of building West river bridge. The grand list of said town is $2,710 41. JOHN CLARK,
JOHN F. STEARNS.

STATE OF VERMONT, *Windham county, ss:*

At New Fane, May 30th, 1843.

Then John Clark and John F. Stearns, of Dummerston, in said county, personally appearing, and after being carefully examined and duly cautioned, made solemn oath, that the within deposition by them subscribed contains the whole truth, and nothing but the truth.

Before me, BENJA. ORMSBEE,
Justice of the Peace.

The adverse party was notified, and did attend.

BENJA. ORMSBEE,
Justice of the Peace.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

We, Aaron C. Robinson and Walter Eager, of New Fane, in the county of Windham, and State of Vermont, and Paul Chase and Henry Clark, of Brattleboro', in said county of Windham, of lawful age, depose and say, that we have been called on by the inhabitants of the town of Dummerston, to examine a route for a road or public highway in Dummerston, in said county, which was laid out by commissioners appointed by the honorable county court holden at New Fane, in said county, on the second Tuesday of September last, on the petition of Joseph Dix and others, to lay a road or public highway, from the inn of Henry Smith, in Brattleboro', to the south line of Putney, and also by the landholders, thro' whose land said *land* or public highway was laid by said commissioners, to appraise the damages which they will sustain, by reason of said road being laid and made, and also to examine a route for a road from the north line of Brattleboro', to the south line of Putney, through the town of said Dummerston, and known by the name of the Indicted road; have examined the aforesaid routes for said roads or public highways, and have estimated the expenses of making said roads, and the damages of the same, and the distances of each of said routes, as follows, to wit:

We find that the distance on the route laid for a road by the commissioners on the petition of Joseph Dix and others, is 150 rods further from Brattleboro' line, where both of said routes take their departure, to where both of said routes intersect near David Haven's, in said Dummerston.

We have estimated the damages to individuals on the route laid by the commissioners, on the petition of Joseph Dix and others, at the sum of - - - - - - - - - - - - $1,175 00

And we estimate the expenses of making said road at 1,653 00

Making in the whole the sum of - - - - - $2,828 00

The Indicted road from Brattleboro' north line (so called) from where the two above named roads take their departure, to where they intersect near David Haven's, we estimated the damages at - $561 00
And making said road and bridge at - - - - - 878 00

Making in the whole, the sum of - - - - $1,439 00

We are of unanimous opinion, that the survey made by the selectmen of said Dummerston, on the 25th day of May, instant, north of where the road intersects, near said Haven's, to Putney line, is all that the public ought to require of said town of Dummerston, at this time.

And further, we are of unanimous opinion, that the Indicted route (so called) if made well, will be more beneficial for the public good, as well as individual, than the road laid on the petition of Joseph Dix and others, through said term; and further say, that the report of the commissioners who laid the road on the petition of said Dix and others, ought not to be accepted.

And we also have appraised the damages through whose lands said [route] is laid on the petition of Joseph Dix and others, as follows, to wit:

To Church Miller, the sum of	- - -	$200 00
Eppa Cone,	" - - -	10 00
David Bemis,	" - - -	100 00
Rufus Sargent, wid.	- - -	15 00
James Sargent, wid.	- - -	150 00
Abigail Hildreth, wid.	- - -	125 00
Joseph Nurse,	" - - -	100 00
Luther Allen.	" - - -	250 00
David Haven,	" - - -	50 00
Jesse E. Worden,	" - - -	175 00
John Kathan	" - - -	100 00
Arba Clark,	" - - -	75 00
Benjamin Streeter,	" - - -	50 00

Dated at Dummerston, this 25th day of May, 1843.

WALTER EAGER,
AARON C. ROBINSON,
PAUL CHASE,
HENRY CLARK.

STATE OF VERMONT, *Windham county, ss:*

Dummerston, May 26th, 1843.

Then personally appeared the above named Walter Eager, Aaron C. Robinson, Paul Chase, and Henry Clark, after being carefully examined and duly cautioned, made solemn oath, that the foregoing deposition, by them subscribed, contained the truth, and nothing but the truth.

Before me, JOHN F. STEARNS,
Justice of the Peace.

I hereby certify, that the foregoing deposition was taken by the re-

quest of the inhabitants of the town of Dummerston aforesaid, to be used on the acceptance of a report of commissioners, appointed on the petition of Joseph Dix and others, to lay a road from Henry Smith's in Brattleboro', to the south line of Putney; which is to be heard and tried at the county court, next to be holden at New Fane, in said Windham county, on the last Tuesday of May instant, and that the petitioners were notified, and that Asa Boyden, one of the petitioners, was present, and did attend the taking of the aforesaid deposition.

JOHN F. STEARNS,
Justice of the Peace.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

I, Joseph Goodhue, of Brattleboro', in the county of Windham, on oath say, that I am well acquainted with the two routes for a road through Dummerston, called the *Indicted road*, and the Nurse Hollow road, having accompanied the committees who examined both routes, and I aided in the survey of the Nurse Hollow route. I have no property in Dummerston, to be affected by the making of either, and think the Indicted road (so called) if properly made, would accommodate the public quite as well as the other up to John Cathan's; from Cathan's to Putney south line, I consider the route designated by the committee who laid the road through Nurse Hollow the best. By adopting the road laid out through Nurse Hollow, it will be necessary to support an additional road some two miles and a half, which might and could be dispensed with, by establishing the Indicted route. The Nurse Hollow road would be most but would be longest. The ground over which the *Indicted road* passed, is better calculated to make a good road than on the other route; the last route being, to a considerable extent, one third part or more, wet and marshy; I think the public would be well suited and accommodated by the Indicted route.

Question by Joseph Dix. In the petition for establishing the Indicted route, is it asked to make the West river bridge free?

Ans. I think not.

Question by same. Does not the petition for the Nurse Hollow road ask to make said bridge free?

Ans. I believe it does.

Question by same. Are you not agent for the town of Brattleboro', for the present year?

Ans. I am.

JOSEPH GOODHUE.

STATE OF VERMONT, *county of Windham, ss:*

Brattleboro', May 27th, 1843.

The above deposition of Joseph Goodhue, taken to be used in a matter of a report upon the petition of Joseph Dix, and others, against the town of Dummerston, and others, to be heard before the county court, within and for the county of Windham, to be held on the last Tuesday

of May, inst., was taken, subscribed, and sworn to before me; and Joseph Dix being notified, did appear, and was present at the taking.

LARKIN G. MEAD.

Filed, May 31st, 1843.

M. MILLER, *Clerk.*

We, Nathaniel Bliss and Hollan Pettis, both of Brattleboro', in the county of Windham, on oath say, that we have this day examined the brook north of Luther Allen's in Dummerston, where the *Indicted road* (so called) passes said brook, and after a careful examination of its banks, have estimated the expense of building a suitable bridge over said brook. We have estimated a bridge to be 120 feet long, the height 25 feet, and the width 24 feet; the abutments to be as high as the bridge; the north abutment will extend 26 feet to the bank; the south one will extend 50 feet on the top from the bridge to the bank; the bridge to be a common trussel bridge, 3 trussels and 4 spaces. We estimate the expense of this bridge at $231 00, exclusive of the abutments; and the timber for both abutments we estimate at $44 00; in all, $275 00. We estimate laying up the timber in the abutments, ready to be filled up, at $30. We consider that the hill on both sides of the bridge may be graded, so that you will not rise more than 3 to 4 degrees, having examined it with a small quadrant.

Question by attorney for Dummerston. Were you, and when, employed to examine and estimate a bridge across the *bridge* by the petitioners, and if so, what place did they point out, and what estimate did you make for them?

Ans. We were called upon for the purpose last September.

We then estimated the expenses of a bridge of 200 feet, besides abutments. This bridge we estimated, going into an exact estimate of the quantity and value of the timber. We now estimate the bridge to [be] built in the place designated to-day, at an expense, proportioned to its length, the same as the other.

By the same. Why do you charge nothing for the *filling* the abutments in your estimate made to-day?

Ans. There would be earth in building the road which can be handily put in to fill up the abutments, but as this more particularly belonged to building the road, we made no estimate of this expense.

By petitioners' attorney. What quantity of timber do you now estimate to build the bridge 120 [feet] long, between the abutments?

Ans. We can't answer, except as in our answer to the first question put to us, at present. We might go into a particular estimate of the quantity required for a bridge 120 feet, but it would take some hours' time.

Q. by same. How many trunnels and stringers would it take in the 120 feet bridge?

Ans. We can't tell without the calculation, as we have before said.

Q. by same. What did you estimate the timber, suitable to build the bridge, worth on the spot?

Ans. The large timber we *called* worth $5 per hundred, running measure, and the small timber less; we think we now estimate it at those prices.

Q. by same. How high must the abutments be, at the bridge you have estimated to-day?

Ans. The north one would be 15 feet high; the south one 25 feet.

Q. by same. Where will your south abutment strike the bank?

Ans. The abutment will not go out straight from the bridge, but in a curve.

Q. by same. Where did you locate your bridge to-day?

Ans. From the hemlock tree, marked on the north bank, to a stake on the south side.

Q. by same. What direction did you estimate the road to run from the south end of your bridge?

Ans. Southeast on the side of the bank, as near as we knew the points of the compass, having no compass with us.

Q. by same. How would the road run from the north end of the bridge?

Ans. We think northeasterly.

Q. by same. How near to the top of the bank does the south abutment come?

Ans. We didn't measure it; neither can we tell how far from north abutment to top of the bank.

Q. by same. Do you know you have located your bridge within the limits of the Indited route?

Ans. We only know it is where Esq. Boyden and others showed it last fall, and Mr. Luther Allen and others to-day.

NATHANIEL BLISS,
HOLLAN PETTIS.

STATE OF VERMONT, *Windham, ss:*

At Brattleboro', in the county of Windham, this 7th day of August, A. D. 1843, personally appeared Nathaniel Bliss and Hollan Pettis, and made oath that the foregoing deposition by them subscribed contains the whole truth and nothing but the truth. Before me,

LARKIN G. MEAD, *Just. Peace.*

The within deposition of Nathaniel Bliss and Hollan Pettis, taken at the request of the West River Bridge Company, in the matter of the acceptance of a report upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for said county of Windham, on the third Tuesday of November, A. D. 1843; in which cause Joseph Dix and others are petitioners, and said West River Bridge company are petitioners. The adverse party was notified, and did attend, and objected.

Certified by me, LARKIN G. MEAD,
Justice peace.

The within deposition of Nathaniel Bliss and Hollan Pettis was taken and sealed up by me,

L. G. MEAD, *Justice peace.*

Filed and opened, August 9, 1843.

M. MILLER, *Clerk.*

I, Nathaniel Bliss, of Brattleboro', of lawful age, on oath, say: that I was called upon, in Sept. last, by several of the petitioners, in the petition of Joseph Dix and others, for a road in Dummerston, to examine and make an estimate of building a bridge across the brook north of J. Allen's in Dummerston, on the Indicted route so called I then viewed the brook and the place where the bridge was to be built; and, after a careful calculation, then estimated the expense of building said bridge at between $375 and $400, nothing has since occured to alter the opinion I then formed. I have been employed for many years in building bridges.

Ques. by Mr. Dix, petitioner. What were the dimentions of the proposed bridge?

Ans. I estimated the bridge to be 200 feet, and 24 feet wide.

NATHANIEL BLISS.

TOWN OF BRATTLEBORO', *July* 31, 1843.

STATE OF VERMONT, *ss:*

Then Nathaniel Bliss, of Brattleboro', in said county, personally appearing, and after being carefully examined and duly cautioned, made solemn oath that the foregoing deposition by him subscribed contains the whole truth and nothing but the truth. Before me,

LARKIN G. MEAD, *Just. peace.*

The above deposition, taken at the request of the town of Dummerston, in the matter of the acceptance of a report upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for the county of Windham aforesaid, on the third Tuesday of November, A. D. 1843; in which cause Joseph Dix and others are petitioners, and the town of Dummerston and others are petitioners.

The adverse party was notified and did attend.

Certified by me, LARKIN G. MEAD, *Just. peace.*

The within deposition of Nathaniel Bliss was taken and sealed up by me.

LARKIN G. MEAD, *Justice peace.*

Filed and opened, August 9, 1843.

M. MILLER, *Clerk.*

We, John F. Stearns and John Clark, both of Dummerston, in the county of Windham, on oath say: that we are selectmen of the said town of Dummerston the present year; that, as such selectmen, we hold a bond, in the penal sum of one thousand dollars, signed by Luther Allyn, J. E. Worden, Alonzo Dutton, Wm. Bemis, and Ephraim Lawton, conditioned that if said Allyn and others, obligors aforesaid, shall well and truly make, or cause to be made, a good bond from Luther

Allyn's tavern, to Jesse E. Worden; also make as good a bridge across the brook between Allen's & Worden's, on or over the "*Indicted route*" so called, as is now standing across said brook, by having the old bridge on said stream gratis, and the said town of Dummerston pay the damage in going through the land where there is no road now, and pay the said obligors the sum of four hundred and fifty dollars as soon as said bridge is completed according to the tenor of said bond. We further *we* believe this is a contract made on the part of the obligors in good faith; that they are abundantly responsible; and that they will perform what they have thereby undertaken. We further say that if a bridge were built across the said brook, on what is called the *Indicted route*, the present bridge might be dispensed with if a bridge were built across the the said brook on the *Hollow route*—the present bridge, near Allyn's, must be retained and supported.

Question by Mr. Dix, petitioner. Would it be necessary to build a new bridge across said brook at Slab hollow, if the Hollow road is built?

Ans. The road on this route is laid over the old bridge now standing; but if a great travelled road were made there, we think a new bridge would have to be built there. The Indicted route lies by the house of J. T. Stearns, the deponent.

TOWN OF BRATTLEBORO', *July* 31*st*, 1843.

STATE OF VERMONT, *Winham county, ss:*

Then John F. Stearns and John Clark, of Dummerston, in the county of Windham, and State of Vermont, personally appearing, and after being carefully examined and duly cautioned, made solemn oath that the foregoing deposition by him subscribed contained the whole truth, and nothing but the truth.

Before me, LARKIN G. MEAD,
Justice of the peace.

The above deposition, taken at the request of the town of Dummerston, in the matter of the acceptance, upon the petition of Joseph Dix and others, to be heard and tried before the honorable county court next to be holden at New Fane, within and for the county of Windham, and State of Vermont, on the third Tuesday of November, A. D. 1843; in which cause Joseph Dix and others are petitioners, and the towns of Dummerston and others are petitioners. The adverse party was notified and did attend.

Certified by LARKIN G. MEAD,
Justice of the peace.

The within deposition of John F. Stearns aad John Clark were taken and sealed up by me, LARKIN G. MEAD,
Justice Peace.

Filed and opened, August 9, 1843.

M. MILLER, *Clerk.*

We, Abigail Bemis and Sarah Bemis, of Dummerston, county of Windham, a d State of Vermont, of lawful age, being duly sworn, do

depose and say: that we own a piece of land in said Dummerston, containing about one-fourth of an acre, with buildings thereon, situated and lying in Dummerston aforesaid, on the road leading from Luther Allyn's tavern to Slab hollow, so called, near the road that leads to Joseph Nurse's; and I have recently been informed that a committee, appointed by the county court to lay a road from Henry Smith's, in Brattleboro', to the south line of Putney, have laid the said road ten rods wide through our land, which will *include* almost all the land and buildings thereon; and we have not yet been informed that they have allowed us any damages; and I have never had any notice to appear to make any defence; and we have been informed that said committee have not allowed us any damages; and further the deponents say not.

ABIGAIL BEMIS,
SARAH BEMIS.

STATE OF VERMONT, *Windham county, ss:*

DUMMERSTON, *May the 30th, A. D.* 1843.

Then Abigail Bemis and Sarah Bemis, of Dummerston aforesaid, personally appearing, and after being carefully examined and duly cautioned, made solemn oath, that the foregoing deposition by them subscribed, contains the whole truth, and nothing but the truth.

JONATHAN CUTLER,
Justice of the Peace.

The adverse party, being duly notified, appeared, and was present at the taking of the above deposition. Taken and subscribed to before me, this 30th day of May, 1843.

JONATHAN CUTLER,
Justice of the Peace.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

I, Paul Chase, of Brattleboro', being duly sworn, depose and say, that I examined a few days since the farm of Church Miller, lying partly in Brattleboro', and partly in Dummerston, and the survey through said farm of the road laid out on the petition of Joseph Dix and others, and with other persons appraised the damages of said Miller, in consequence of said road, to be $200. I further depose, that in my opinion, the damage of said Miller to lands, lying in Dummerston, is about forty-five dollars, and in Brattleboro', about one hundred and fifty-five dollars.

PAUL CHASE.

Sworn and subscribed before me, this 29th day of May, 1843.

C. J. WALKER,
Justice of the Peace.

Filed, May 31, 1843.

M. MILLER, *Clerk.*

John W. Blake to Thomas H. Perkins.

Deed.

To all persons to whom these presents shall come, greeting:

Whereas, the legislature of the State of Vermont, on the 16th day of October, A. D. 1795, did, by a certain act entitled "an act granting to John W. Blake and Calvin Knowlton, and their associates, the privilege of building a toll bridge over West river, in Brattleboro', give and grant to and unto the said John W. Blake, and said Calvin, and their associates, the exclusive privilege of erecting and maintaining a bridge over West river, and to demand and receive certain toll, as in said act provided; and whereas said Calvin, by deed duly executed, did heretofore assign and transfer to said John W. all and singular the rights and privileges granted to him, the said Calvin, by said act, now I, the said John W., in consideration of five hundred [dollars,] received to my full , of Thomas H. Perkins, of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, esq., do give, grant, convey, and assign to said Thomas H., his heirs and assigns, all and singular the rights, privileges, and immunities, vested in me, the said John W., by virtue of said act, and the aforesaid deed of said Calvin, as also the land contiguous of said bridge, whereon the toll house stands, and the comb manufactory, together with the garden spot, and all the grounds conveyed to West River Bridge Company, by deed of John Pettis, as also the land on the north side of said West river, from the West river farm of the said John W., according to the late survey and of said farm, by Henry Clark, esq.; *to have and to hold* the said granted premises to him, the said Thomas H., his heirs and assigns forever, subject always to the conditions and limitations in said act contained; and I, the said John W., do hereby covenant and agree with the said Thomas H., that I will warrant and defend the above granted premises against all claims and demands.

In testimony whereof, I have hereunto set my hand and seal, this 18th day of March, A. D. 1816.

JOHN W. BLAKE. [L. S.]

Signed, sealed, and delivered—
GEO. ZEIGLER,
JONA. HUNT, jr.

STATE OF VERMONT, *Windham, ss:*

BRATTLEBORO', *March* 18, *A. D.* 1816.

Then John W. Blake, signer and sealer of the above written instrument, personally appearing, acknowledged the same to be his voluntary act and deed.

Before me, JONATHAN HUNT, JR.,
Justice Peace.

TOWN CLERK'S OFFICE, *Brattleboro'*.

Recorded from the original deed, the 20th day of March, 1816.

By STEPHEN GREENLEAF,
Town Clerk.

I hereby certify the foregoing to be a transcript of a deed record, found in the town clerk's office in Brattleboro', in book marked G, pages 396 and 397.

Attest: STEPHEN GREENLEAF,
Town Clerk.

Extract of a deed from Josiah Arms to the West River Bridge Company, found in liber D, page 203: "Beginning at a stake and pile of "stones, placed at a distance of about 12 rods in a southeasterly course "from the south bank of West river; thence running east thirteen de- "grees south, nineteen rods and 20 links to a maple tree, and continu- "ing the same course to Connecticut river; thence westerly, with the "course of said West river, so far north, as that a line extending south "six degrees thirty minutes, shall strike the boundary first mentioned; "containing, by estimation, two acres, be the same more or less."

Dated April 1st, 1799.

I, Lyman G. Bliss, of Brattleboro', in the county of Windham, on oath say, that I am clerk of the West River Bridge Corporation; that, at the time when a committee, of which Thomas F. Hammond was chairman, laid out a public highway over said bridge, on the petition of Joseph Dix, and others, last autumn, said Hammond notified me, as clerk as aforesaid, of the time of laying out the same.

LYMAN G. BLISS.

WINDHAM, *ss:*

January 5, 1843, sworn to before me,

LARKIN G. MEAD, *Just. peace.*

I, Titus Hutchinson, of Woodstock, in the county of Windsor, and State of Vermont, of lawful age, depose and say, that during the summer season next before the passing of the statute appointing road commissioners, I was one of a committee appointed to make alterations in the stage road through Dummerston, and through a part of Brattleboro', and through Putney and Westminster, as I now believe, to Bellows Falls. We occupied several days investigating the different routes shewn us, or talked of by us, we were not ready to make report, when our duties were by law transferred to road commissioners. We found the most obstacles between Brattleboro' village and Putney village; as I now recollect we were unable to discover any way to pass the hills and ravines, that could be comfortable to the traveller, but by making large bends, and ascending gradually into a ravine, thence turning and ascending from it into, or nearly into, the old road. We surveyed a route, leaving Brattleboro' village and going northerly towards Dummerston a mile or two, then recede to the west on the flat, and with a remarkable

gradual rise crossed the river, leading eastward of the house called Butler's tavern; then elbowed to the left, and crossed the ravine and turned to the right, and come on to the flat northerly of the Butler tavern. Thus far there was nothing in the way of a pleasant road for all kinds of travel, much in use at that period. We did not go so far west with our survey as a little village shewn us lying there; the road might be equally good, except its greater length. I then thought, and I believe all the committee then thought, the different length would not be justified by what was then the unimportance of the village. I was not as well satisfied with any route we then discovered to pass the ravine; we surveyed across the flat, and elbowed to the west as before, but were obliged to come into the old road, but partly up the hill, and then turned a short angle.

I am told the last court's committee crossed the road in this ravine, where the old road crosses it. I can say nothing about the goodness of this survey at this place, only that the hill, north from the bridge, has always been very steep when I have seen it; that, south of this bridge, unless remedied by a slant, as I am informed is done. In travelling the old road—since I was there as one of the committee—I thought of a place to cross this northern ravine which I had never heard mentioned, and I presume never was thought of at that time, and which I now think worthy of notice. Erect a bridge across the brook in this hollow, some two or three or four rods higher up the brook than the old bridge, and erect this bridge ten or twenty feet high from the water; then plough off the hill, so as to travel straight from the top of the old hill south to the end of this high bridge, and then from the bridge north, or northeast, into the old road, at the top of the first sharp pitch in the hill. This would render it unnecessary to go east of the old road between the two ravines. If this is practicable, it may be done without any new survey, if the committee laid their road wide enough crossing the brook, only let the court repeat that part of the survey which runs east of the old road between the two ravines, and accept and establish all the rest. I have no doubt the quantity of steepness of the hills on the old road are such that the public need a better route; nor have I any doubt but that the route we surveyed, herein mentioned, affords a sufficient ammendment of the hills, till, pursuing north, we arrive on the flat between the two ravines. I can express no such definite opinion of the route across Murder Hollow, as I have heard it called, till I know more correctly where it is, or is to be, located; and further say not,

TITUS HUTCHINSON.

I further testify, that, at the time of taking designated in the citation, signed by Phineas White, justice of the peace, I was at my office, Walter Palmer, esq., being gone to Windsor, as I understood.

I wrote my said deposition here at my office, and no person appeared on behalf of Dummerston to attend the taking, till said Palmer came to attend to the business.

TITUS HUTCHINSON.

STATE OF VERMONT, *Windsor county, ss:*

At Woodstock, in the county of Windsor, on this 23d day of May, A. D. 1843, personally appeared Titus Hutchinson, and made oath that the foregoing deposition by him subscribed, contains the whole truth, and nothing but the truth. WALTER PALMER, *Just. peace.*

The foregoing deposition of Titus Hutchinson was taken, at the request of Asa Boyden, and others, petitioners for road to be laid through Dummerston, from Brattleboro' village to the south line of Putney, all which towns are in the county of Windham, in said State; and a committee has reported upon said petition, which deposition is to be read before the honorable county court next to be holden at New Fane, in and for said county of Windham, on the last Tuesday of May current, and is to be used upon a hearing of the question on the acceptance of said report of said committee. The deponent living more than thirty miles from said place of hearing and trial, is the cause for taking said deposition; and said town of Dummerston was duly notified, as by the accompanying citation and service marked A appears, but did not attend, as appears by the foregoing deposition, certified by

WALTER PALMER, *Just. peace.*

A.

STATE OF VERMONT, *Windham county, ss:*

To the sheriff of the county of Windham, or any constable in said county, or to any indifferent person, to serve and return, greeting:

By the authority of the State of Vermont, you are hereby commanded to notify the selectmen of the town of Dummerston, in the county aforesaid, to appear before Walter Palmer, esq., one of the justices of the peace within and for the county of Windsor, in the State aforesaid, on the 22 day of May instant, at one o'clock, afternoon, at the office of Titus Hutchinson, esqr., in Woodstock, in said county, if they shall see fit to be present at the taking of the deposition of the honorable Titus Huchinson, of said Woodstock; which deposition is to be used in a cause to be heard and tried before the county court next to be holden at New Fane, in and for the county of Windham, on the last Tuesday of May instant, wherein Asa Boyden, and others, are petitioners for a road to be laid through said Dummerston, from Brattleboro' village to the south line of Putney. The question to be tried, is on the acceptance of the report of the committee.

Hereof fail not, but of this precept, and your doings hereon, make due return as the law directs,

Given under my hand, this 11 day of May, 1843.

PHINEAS WHITE, *Just. peace.*

WINDHAM COUNTY, *ss:*

Dummerston, May 17, 1843, I then served this citation, by giving a true and attested copy of the same to John F. Stearns, one of the selectmen of the town of Dummerston.

Attest: WILLIAM HOUGHTON,
D. sheriff.

The within deposition of Titus Huchinson, was taken and sealed up by

WALTER PALMER, Esq., *Just. peace.*

Filed and opened, May 31, 1843.

M. MILLER, *Clerk.*

I, Jonathan French, of Dummerston, in the county of Windham, and State of Vermont, of lawful age, depose and say, I attended the town meeting of said Dummerston, holden on the 16 day of May instant; one object of said meeting was to raise money to lay out on the Indicted road; the arguments in favor of said Indicted road, that it would have a tendency to prevent the Murder Hollow road; it further stated that, if nothing was done toward building said Indicted road, the probability was that the report of the committee laying this Murder Hollow road would be accepted, and then we should be obliged to build both roads. Heard the above statement frequently made by those in favor of the Indicted road. I am acquainted with every inch of ground on both routes. I should think the Murder Hollow road would cost something more to build than the Indicted road, but not a great deal more. The town has now to support a bridge at Slab Hollow, so called; there is no bridge across Salmon brook on the Indicted road, which will require a bridge pretty long and pretty high. I always understood the Indicted road was laid some rods west of the old road, across Murder Hollow, so called, a new bridge to be built; and I further understood the new survey crosses said Hollow on the old road; I think it would be the hardest road through Nurse Hollow; think it would be best for the public and town at large.

Question. Do you know where the money raised was to be laid out?

Answer. On the south part; but I think it the most needed on the north part.

Question by sl. men. Who did you hear make the above mentioned statements, who were in favor of the Indicted road?

Answer by deponent. Luther Allyn [and] John F Stearns; I think others say the same, but do not recollect names.

Question by selectmen. Have you not said that the Indicted road ought to be built in preference to the Nurse Hollow road?

Answer by deponent. I do not recollect making such statement.

Question by s. men. Do you believe, that if the Nurse Hollow road should be made, the town would be obliged to support a bridge between Luther Allyn's and Jesse E. Worden's, at or near where the bridge now stands?

Answer by deponent. I do not.

Question by same. What is the distance from Luther Allyn's and Jesse E. Worden's?

Answer. I think over a quarter of a mile.

Question by same. What is the distance from Luther Allyn's to Jesse E. Worden's routes, by Slab Hollow, so called?

Answer. 1½ miles.

JONATHAN FRENCH.

WINDHAM COUNTY, *ss:*

May 16, 1843. The within deposition sworn to before me,

JOSEPH DUNCAN,
Justice of the peace.

The selectmen of Dummerston being duly notified, did attend on taking this deposition.

JOSEPH DUNCAN, *Just. peace.*

The within deposition of Jonathan French was taken and sealed up by me,

JOSEPH DUNCAN, *Just. peace.*

I, Eliphalet Whitney, of Putney, in the county of Windham, and State of Vermont, of lawful age, being duly sworn, depose and say, that I am well acquainted with the road leading from the east meeting house in Dummerston, to Asa Boyden's; and about two years ago I offered to build said road for fifty cents per rod, and I should not think it worth more than fifty cents per rod to build the same road now.

For twenty years last past, I have been in the habit of taking roads to build, and should be willing to engage to build the aforesaid road for fifty cents per rod the present season, if I am not engaged in building a portion of the new road from Brattleboro' to New Fane.

Interrogatory by John F. Stearns, one of the selectmen of Dummerston.—Were you present at the time the road was laid out from the east meeting house in Dummerston to Asa Boyden's?

Ans. I was not at the time it was laid out.

Question 2d. Do you know where said road is laid out?

Answer. I do not, only as shewn by some of the petitioners and standing stakes. Some of the stakes had been pulled up. I should think that Mr. Asa Boyden went through, with a number of others, and shewed me where they said the road was laid. I am not positive Mr. Asa Boyden was with us; young Mr. Boyden I know did go through with us, and I think Mr. Asa Boyden did.

Question by John Kimball, attorney for Joseph Dix.—Is the land, where the road is laid out as shewn you, such as a road could be easily built through?

Ans. I should think that a road could be easily built there.

Question by selectmen of Dummerston.—Is not that part of the road leading through Mr. Mann's and Mr. Lawton's land, swampy or wet land?

Answer. It is some part of it wet land; I should say a small share of it.

Question 2d. Is not that part of the road, as laid leading through Mr. Adams' land and Mr. Read's land, rough, and hard to build?

Answer. A short piece of said road there is rough and hard to build.

ELIPHALET WHITNEY.

WINDHAM COUNTY, *ss:*

New Fane, January 1st, 1843, sworn to before me,

JOSEPH WOOD,
Justice of peace.

The within deposition of Eliphalet Whitney, taken to be used in a matter of a report upon the petition of Joseph Dix, and others, to be heard before the county court, within and for the county of Windham, now in session.

John Stearns, one of the selectmen of Dummerston, being notified, did appear, and did not object.

JOSEPH WOOD,
Justice of peace.

Filed January 2d, 1843.

M. MILLER, *Clerk.*

I, Israel Keys, of Putney, in the county of Windham, and State of Vermont, being duly sworn, depose and say, that I recently went, in company with Samuel Knight, esq., William Houghton, esq., and others, by the request of Asa Boyden, esq., and others, of the Nurse Hollow route, for the purpose of taking a profile of the present travelled road from Worden's, in Dummerston, to Brattleboro' line; and also from said Worden's, Indicted route, to Brattleboro' line; also from said Worden's on the Nurse Hollow route, to where the two routes meet at the birch tree. Mr. Wm. Houghton and myself carried the chain and measured the three routes, as above described, in sections, and delivered the same to Mr. S. Knight, who took the same at the time, for the purpose of making the above described profile.

My attention was frequently called, as we were measuring, to the degrees of the hills, as we passed over the three routes; and also the costs of building the two last mentioned routes.

Question by Joseph Dix. In comparing the two routes, that is, the Indicted route, so called, laid on the petition of Paul Chase and others, and the Nurse Hollow route, laid on the petition of Joseph Dix and others, which of the two routes, in your opinion, is the preferable one, both as regards the public interest, and the interest of the town of Dummerston?

Ans. I am decidedly of opinion, that the Nurse Hollow route is the most preferable, for some very good reasons, in my opinion; first, it is the most level route—my title of the route will amount to 3 degrees; 2dly, it passes through Slab Hollow, a very proper place for the town to do their business, both mercantile and , and as a very proper place for a post office; 3dly, it would, in my opinion, if built, settle the question of building any further road through Dummerston, the present, and probably future generations.

Question by Joseph Dix. In comparing the old road, between Luther Allen's and Jesse E. Worden's, with the Indicted route and the Nurse Hollow route, as they cross the same hollow, north of said Allen's, which is the preferable route, as regards the public interest, and the interest of the town of Dummerston?

Ans. I gave my opinion, in crossing the above hollow spoken of, in a former deposition, to wit, the Indicted route, north of Allen's. And on comparing said place of crossing, with the present travelled road, one-half the expense of building the above named route, north of Allen's, laid out on the present travelled road, would make it far better, in my opinion, than the former could be. And I gave my opinion, in a former deposition, crossing at Slab Hollow; but, in comparing this with the other two, I must say, that it is far preferable, inasmuch as it would cost $120 for a bridge, and the passing on and off easy, and not to exceed 3 degrees; whereas it would cost $1,000 for a bridge on the Indicted route north of Allen's, if built on the survey shewed us.

Ques. by same. How long have you been acquainted with the road from Putney to Brattleboro'?

40 years or more.

Question by same. Are you one of the selectmen of Putney?

Answer. I am.

Question by selectmen of Dummerston. How do you know that the Indicted road, so called, which was shewn you, was on the survey which the committee laid out on the petition of Paul Chase and others?

Answer. S. Knight measured a part while I was present, having a copy of the original survey.

Question by same. If the Nurse Swamp road, which is laid on the petition of Joseph Dix and others, is made, will not the old road have to be kept open?

Answer. I think it will.

Question by selectmen of Dummerston. How far from the old road, and the Indicted road, so called, is it from the Nurse Swamp road, so called, and how far does the Nurse Swamp road, as surveyed, go on the old road, or Indicted road, in said Dummerston?

Answer. I should think the Nurse Hollow road is, on an average, something like half a mile from the old road; and the Indicted road lies between the two, and something like a hundred rods from the old road, and in some parts on the old road.

Question by the same. What part of the inhabitants of the town of Dummerston would be better accommodated by the road going through Slab Hollow or Nurse Swamp, than the old road accommodates?

Answer. All such as lay west of said road, that are disposed to travel either.

Question by Josiah Dix. May not the old road, south of the Peter Willard place, so called, which is called the Mountain road, be discontinued?

Answer. It might, without much inconvenience.

ISRAEL KEYES.

State of Vermont, Windham county, ss:

PUTNEY, *Sept. 8th*, 1843.

Then Israel Keys, of Putney, in the county of Windham aforesaid, personally appearing, and after being carefully examined, and duly cau-

tioned, made solemn oath, that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth. The selectmen of Dummerston being duly notified, and in attendance.

Before me— JONATHAN CUTLER,
Justice of the peace.

Filed Sept. 9, 1843. M. MILLER, *Clerk.*

I, William Houton, of Putney, in the county of Windham, and State of Vermont, being duly sworn, depose and say, that I am acquainted with the stage road from Putney, thro' Dummerston, to Brattleboro'. I have also been over the ground on the Indicted route, through said town of Dummerston; also on the Nurse Hollow route, so called, with Israel Keyes, and helped carry the chain. And I, on examining the two routes, that is, the Indicted route and the Nurse Hollow route, I am of opinion, that the route through Nurse Hollow is the preferable one, both as regards the public interest, and the interest of the town of Dummerston. I went through, on the said routes, accompanying Samuel Knight in making a survey for the purpose of making a profile of said routes.

WM. HOUGHTON.

State of Vermont, Windham county, ss:

PUTNEY, *Sept.* 8, 1843.

Then Wm. Houghton, of Putney, in said county of Windham, personally appearing, and after being carefully examined, and duly cautioned, made solemn oath, that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth. The selectmen of Dummerston being duly notified, and in attendance.

Before me— JONATHAN CUTLER,
Justice peace.

Filed Sept. 9, 1843. M. MILLER, *Clerk.*

We, Israel Keys, Timothy Underwood, and Wm. M. Clough, all of Putney, in the county of Windham, and State of Vermont, of lawful age, being duly sworn, depose, testify, and say, that we were requested by the petitioners of the Nurse Hollow route, so called, to examine and appraise the making of said route; and also to examine the Indicted route, so called.

In compliance with the request, we proceeded to examine said routes, on the thirty-first day of May last, and report as follows:

On the Nurse Hollow route, we began at the south end, at a beech tree, shewn us by the petitioners of said Nurse Hollow route, and traversed on said route, by stakes and marked trees, shewn us by said petitioners, till we arrived near David Hann's, on the present travelled road, and where the two roads intersect, and have appraised the making of

said route thus far at - - - - - $865 00

We have also examined the Indicted route, so called, beginning at the beech tree at the south end, and where it intersects with the other route, viz: the Nurse Hollow route, and passed over the same by stakes and marked trees, shewn us by petitioners of said Nurse Hollow route, till we arrived near Daniel Hann's barn, where the two routes unite, and have appraised the making of said route thus far, at - - - - - $1,572 50

We further appraise, from north of John Cathan's barn, on said Indicted route, to a tree on the west side of the present road, near the old school-house spot, and where the two routes unite on the top, or near the top, of the Murder Hollow hill, at - - - - 337 00

Making in whole - - - $1,849 50

We further appraise the Nurse Hollow route, from north of John Cathan's barn, to the tree before mentioned, where both routes unite near the top of Murder Hollow hill, at 130 00

Making in whole - - - - $995 00

Ques. by Asa Knight, of Dummerston, agent of said town. Did you, or did you not, take into consideration the damages through whose lands these routes went?

Ans. by Israel Keys, Timothy Underwood and Wm. M. Clough. We did not.

Question by Asa Knight. How came you to the conclusion that the bridge at Joseph Dix' cost $120, while you prized one on the Indicted route, on the same stream, near Allyn's, at $1,000?

Answer by deponents. The bridge at Dix' was 90 feet long, and only 10 feet wide; while the one near Allyn's, as the survey was shewn us, must be 230 feet long, and 40 feet high, in order to pass on and off at 3 degrees.

Ques. by Joseph Dix. Which of the routes do the public interest demand?

Answer by deponents. Most assuredly the Nurse Hollow route; and if the present generation delay to make said route, posterity will correct, we believe.

Further your deponents saith not.

ISRAEL KEYES,
TIMOTHY UNDERWOOD,
WILLIAM M. CLUGH.

State of Vermont, Windham county, ss:

PUTNEY, *this 1st day of June, A. D.* 1843.

Then Israel Keys, Timothy Underwood, and Wm. M. Clough, all of

Putney aforesaid, personally appearing, and after being carefully examined, and duly cautioned, make solemn oath, that the foregoing deposition, by them subscribed, contains the whole truth, and nothing but the truth. Before me,

JONATHAN CUTLER,
Justice of the peace.

The above deposition, taken at the request of Joseph Dix and others, petitioners for a new road from Henry Smith's, in Brattleboro', to the south line of Putney, to be used in a case now pending before the county court, now in session at Newfane, on the reception of the report of the committee appointed by the honorable court to examine and lay the said contemplated road. And Asa Knight, esq., agent for the town of Dummerston, being present in attendance.

JONATHAN CUTLER,
Justice of the peace.

Filed, Jan'y 1, 1843. M. MILLER, *Clerk.*

I, Phineas White, of Putney, in the county of Windham, and State of Vermont, depose and say, that within the last twelve or fifteen years I have had occasion several times to examine all the proposed routes for the alteration of the stage road from Brattleboro', leading through the town of Dummerston, so as to avoid, or in a measure do away, the steep hills in said town, where said road now lies, and have recently examined what is called the "Indicted Route," and the route through Nurse Hollow, so called. And I do verily believe, that a much better and leveller route may be formed from the north line of Brattleboro' to Murder Hollow, so called, in Dummerston aforesaid, than either the Indicted route, or where the old road is now travelled. The proposed alteration on the Indicted route, leading north of Allen's tavern, across the deep valley called Slab Hollow, would be attended with great expense; the contemplated bridge across said hollow must be about 230 feet in length, and from 35 to 40 feet in height, and then the hills on each end would be long and tedious, could not be reduced, in my opinion, so as to average less than four degrees. From the first time I examined thro' Nurse Hollow, which was about twelve years ago, I have been fully satisfied that route would be, from the north line of Brattleboro' to Slab Hollow, altogether straighter and leveller than any other. And then, by binding up the bank of said hollow, the stream and valley might be crossed without any additional or very expensive bridge, and the hills on either side might be reduced so as to average not exceeding two degrees, as I verily believe. Thence proceeding on to Murder Hollow, the road, in my opinion, might be so made, that no rise or hill would exceed two degrees, from the north line of Brattleboro' to Murder Hollow. The ground on this route is generally good, free from sand and clay, and in the winter season, this route from Brattleboro' to Murder Hollow, through the Nurse Hollow, would, the most of the way, not be at all exposed to drifts. I further say, that I have no interest in the laying and altering the afore-

said road, more than other citizens of the vicinity and county. As such I do feel a strong [?] that if this, so important a road, is to be altered, that it should be laid in the best possible route, so that no alteration hereafter could be sought or desired. The Indicted route, if made, would not, in my opinion, prove such.

PHINEAS WHITE.

WINDHAM, *ss:* *May* 27, 1843.

Then Phineas White, of Putney, in said county, personally appearing, and, after being carefully examined, and duly cautioned, made solemn oath that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth.

Before me, JONATHAN CUTLER,
Justice of Peace.

The foregoing deposition of Phineas White, taken at the request of Joseph Dix and others, to be used in the petition of the said Joseph Dix and others, and the report thereon, to be heard and tried before the hon. county court next to be holden at New Fane, within and for the county of Windham, on the last Tuesday of May, A. D. 1843. In which petition Joseph Dix and others are plaintiffs, and the town of Dummerston, the town of Brattleboro', and the West River Bridge Corporation, are defendants. The town of Dummerston were notified, and did not attend.

JONATHAN CUTLER,
Justice of the Peace.

Filed May 31, 1843. M. MILLER, *Clerk.*

I, Martin Gates, of Dummerston, in the county of Windham, and State of Vermont, of lawful age, testify and say, that, being of the selectmen of said town, in the year 1842, I went over the road laid by the commissioners, on the petition of Joseph Dix and others. Also, over the road laid on the petition of Paul Chase and others, known as the Indicted road. It is my opinion, if said town makes either of said roads, it would not only be for the interest of said town, but for the better accommodation of the public travel, to make the road laid on the petition of Joseph Dix and others.

Question by John Clark, selectman:

Have you ever said that you thought the Indicted road the best one?

Answer. I do not recollect that I ever made such statement.

Question by Asa Boyden, petitioner:

Have you ever heard any person say, that if the road, laid on the petition of Joseph Dix and others was made, the Indicted road, from Lemuel Preston's to Brattleboro' line, would also have to be made?

Answer by deponent:

I have heard such statements.

MARTIN GATES.

WINDHAM COUNTY, *ss:* *May 16th*, 1843.

Sworn to before me, JOSEPH DUNCAN,
Justice of the Peace.

The selectmen being notified, and did attend on taking this deposition.
JOSEPH DUNCAN, *Justice.*

The within deposition of Martin Gates taken and sealed up by me.
JOSEPH DUNCAN,
Justice of Peace.

I, Reuben Walker, of Dummerston, being sworn, depose and say, that, on the 22d of August, 1843, I attended a town meeting in Dummerston; that a motion was before the meeting to raise money to build a road, lately laid by the selectmen of said Dummerston, through Murder Hollow, on John Kathan's, that I heard the argument used repeatedly by Asa Knight, on the part of the Indicted Road, that said selectmen's route was not three rods from the route laid by the last county court's committee, in any place. And the town was urged to raise money to build said selectmen's route, to get rid of the cost; and Mr. Knight also said, that the reason that the petitioners opposed the selectmen's road, was, that if they had the costs to pay, it would draw upon their purses. Asa Knight was chosen and appointed, at a town meeting held in Dummerston, some time subsequent to the regular March meeting, an agent to oppose the establishing of the road laid by the court's committee, on the petition of Joseph Dix and others. This was the vote, as I understood at the time, and believe still, but I have not seen the records, and do not know how it stands there.

Being examined by the opposite party, deponent says, that he does not know the day of the meeting when said Knight was chosen agent. Said Knight was appointed agent at a meeting previous to the one on the 22d August, 1843.

REUBEN WALKER.

Sworn to, this 7th day of September, 1843, before me,
BENJA. ORMSBEE,
Justice of the Peace.

The selectmen of Dummerston were duly notified and did attend the taking of this affidavit.

BENJA. ORMSBEE,
Justice of the Peace.

Filed Sept. 9, 1843. M. MILLER, *Clerk.*

I, Ebenezer M. Randall, of Dummerston, of lawful age, being sworn, depose and say, that on the 22d day of August, 1843, I attended a town meeting in said Dummerston; that a motion was under discussion to raise money to build a road, recently laid out by the selectmen of said Dummerston, through Murder Hollow, on John Kathan's land, and I heard Asa Knight say, in discussing said motion, that if the town would

raise money and build said road, they could throw the costs on the petitioners on the road laid by the court's committee, as easy as you could turn your hand. He also said, that said selectmen's road did not differ three rods from said petitioners' road, in any place.

EBENEZER M. RANDALL.

Sworn to, this 7th day of Sept., 1843, before me,

BENJA. ORMSBEE,
Justice of the Peace.

The selectmen of Dummerston were duly notified, and did attend the taking of this affidavit.

BENJA. ORMSBEE,
Just. of the Peace.

Filed Sept. 9, 1843. M. MILLER, *Clerk.*

I, Caleb S. Knapp, of Dummerston, in the county of Windham and State of Vermont, of lawful age, depose and say, that I was present at the inn of Luther Allyn, in Dummerston, at the time that the committee, appointed by the hon. county court, to examine and lay out a road, on the petition of Joseph Dix and others, and that the following named persons were present before said committee, to be heard in relation to damages by them sustained, by means of said road passing through their lands, to wit:

Church Miller, David Bemis, for himself, Polly Sargent, George Hildreth, for Abigail Hildreth, Joseph Nurse, Luther Allyn, David Hann, Jesse E. Worden, John Kathan, Arba Clark, and Benjamin Streeter.

CALEB S. KNAPP.

Dummerston, June 5, 1843.

Sworn to before me, JOSEPH DUNCAN,
Justice of the Peace.

I, Samuel Knight, of New Fane, in the county of Windham, of lawful age, testify, that I am well acquainted with the village of "Slab Hollow," so called, in Dummerston; that there are in said village two dwelling houses, two blacksmith's shops, two wheelwrights, one grist mill, two saw mills, and one rake factory. The shops and mills are doing a good business.

SAMUEL KNIGHT.

WINDHAM COUNTY, *ss*:

May term, 1843. Sworn to before me,

BENJA. ORMSBEE,
Justice of the Peace.

I, Sewall Baldwin, of Putney, county of Windham, and State of Vermont, of lawful age, do testify and say, that I am well acquainted with the village of Slab Hollow, so called, in Dummerston. There is ten dwelling houses in the village, five mechanical workshops, two sawmills, and one grist mill, all doing good business. And a post office, located

in said village, would accommodate the town and public much better than where it now is.

SEWALL BALDWIN.

WINDHAM COUNTY, *ss:*

May term, 1843. Personally appeared Sewall Baldwin, the signer of the above affidavit, and made oath to the truth of the same.

Before me, BENJA. ORMSBEE,
Justice of the Peace.

I, William Houghton, of Putney, in the county of Windham, and State of Vermont, of lawful age, testify and say, that I am acquainted with the village of "Slab Hollow," so called, in Dummerston; that there are, in said village, 9 or 10 dwelling houses, two saw mills, two blacksmith's shops, two wheelwright, one grist mill, one rake factory. The shops and mills are doing good business. I think a post office, located there, would much better accommodate the public.

WM. HOUGHTON.

WINDHAM COUNTY, *ss:*

May term, 1843. Sworn to before me,

BENJA. ORMSBEE,
Justice of the Peace.

I, Perry Knight, of Putney, in the county of Windham, and State of Vermont, being duly sworn, depose and say, that I have been acquainted with the village at Joseph Dix's mill, in Dummerston, for thirty years, and that there are ten or eleven dwelling houses in said village, that there is two waggon or carriage shops, two blacksmith's shops, one sleigh manufactory, one rake factory, two saw mills, one grist mill, one shingle mill; and I think it a central place for the inhabitants east of West river to do their business, and it is a place of considerable business; and I think that the inhabitants east of West river could be better accommodated with a post office in said village than they are now.

PERRY KNIGHT.

STATE OF VERMONT, *Windham county, ss:*

PUTNEY, *September the 8th*, 1843.

Then Perry Knight, of Putney, in the county of Windham aforesaid, personally appearing, and after being carefully examined, and duly cautioned, made solemn oath that the foregoing deposition by him subscribed contains the whole truth and nothing but the truth.

Before me, JONATHAN CUTLER,
Just. of the peace.

The selectmen of Dummerston were duly notified, and were present.

JONATHAN CUTLER,
Justice of the peace.

Filed, September 9, 1843. M. MILLER, *Clerk.*

Know all men by these presents, that we, Joseph Dix, as principal, and Asa Boyden, as surety, both of Dummerston, in the county of Windham, and State of Vermont, are held and firmly bound unto the town of Dummerston, in said county, in the penal sum of four thousand dollars: for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, firmly by these presents. Signed with our hands, and sealed with our seals, and dated this (29th) twenty-ninth day of May, A. D. eighteen hundred and forty-three.

Whereas a public highway was, previous to the first of December last past, surveyed and laid out by Thomas F. Hammond, Julius Converse, and Isaac N. Cushman, esquires, a committee on the petition of Joseph Dix and others, praying for a new highway to be laid from Smith's stage house, in Brattleboro', to the south line of the town of Putney, or make such alterations in the old stage road leading from said Brattleboro' to said Putney, as would best accommodate the public travel. The report of said committee being now pending before the county court—

Now, the condition of this obligation is such, that if the above bounden Joseph Dix and Asa Boyden, upon the acceptance of said report by the court, shall well and faithfully make all that part of said highway, from the place where said highway leaves the Indicted road, so called, at a beech tree, near the head of Eepa Cones' mill pond, thence thro' the Nurse Hollow, and across Dix's mill pond, to the place where said highway intersects the Indicted road near Daniel Hann's house, including the bridge across said Dix's mill pond, and all the bridges and sluice ways on said route, to be completed by such time as shall be limited by said court, for said county of Windham, upon the acceptance of said report, and shall make and complete the same to the acceptance of the judges of the county court for the time being, then the above obligation to be void, otherwise of force.

Provided, however, the above obligation shall not be valid, unless the said town of Dummerston shall, within thirty days from and after the rising of the county court, at the November term of said Windham county, accept of our proposals herein mentioned, and agree to give us the sum of seven hundred dollars for the making of said road on and through the whole of that part of said route as above mentioned—payments to be upon the completion and acceptance of said road as aforesaid.

The word "highway" was interlined before signed.

JOSEPH DIX, [L. S.]
ASA BOYDEN. [L. S.]

Signed and sealed in presence of—
J. T. Dix.

Filed, Sept. 9, 1843. M. MILLER, *Clerk.*

March Meeting, *March 5th*, 1838.

Article 4th. To see how much money or labor said town will raise, in addition to what they are required by law to raise, for the support of roads and bridges in said town the year ensuing.

Voted. To raise $1,500 00, payable in labor; to be laid out, one thousand dollars on the stage road on Connecticut river, and five hundred on the stage road on West river, under the direction of David Bemis, John F. Stearns, Luther Allyn, Jotham Burrett, and Amasa Clark, who are appointed a committee to superintend the same. This vote recorded.

Voted. To raise three cents on the dollar on the grand list to pay damages assessed on the alteration of the stage road on Connecticut.

(Recorded; see adjourned meeting.)

ADJOURNED MARCH MEETING, *March* 19, 1838.

Voted. To appropriate money to pay the committee for laying out road near Connecticut river.

Voted. To rescind the vote passed on the 5th instant, raising a tax of three cents on the dollar, to pay damages on the stage road.

Also motioned and voted to rescind the vote passed on the 5th inst., laying a tax of $1,500 00, to be laid out in labor on the stage roads in said town. And also voted to discharge the committee which were chosen to superintend the same.

Voted. That the selectmen are hereby directed to examine the ground proposed for a road, for the purpose of avoiding making the road through the Nurse swamp, so called, and take such measures in the premises as they shall think for the best interest of the town.

TOWN MEETING, 20th, 1840.

Article 3d of notification. To see if said town will vote to raise money to build all other roads in said town thought necessary to be built, or any part of them.

Voted. To raise 2½ cents on the dollar on the grand list to pay damages, and build a road near Capt. Griffith's.

TOWN MEETING, *January 6th*, 1841.

Article 2d in the notification. To see if the inhabitants of said town will vote to raise money, or appropriate, or borrow the surplus revenue, or a part of it, for the purpose of paying the damages, and making the road laid by court committee from Lemuel Prestons', by Eppa Cones', to Brattleboro' line.

Motioned and voted, to pass over the second article in the above notification.

MARCH MEETING, *March*, 1841.

7th article in notification. To see if the voters of said town will vote to raise money to pay the damages, and make the road laid out by a court's committee from Lemuel Prestons', by Eppa Cones', to Brattleboro' line.

Passed indefinitely.

TOWN MEETING, *August 14th*, 1841.

5th article in the notification. To see if the said town will vote to raise money to pay damages, and build roads laid out in said town, or

any part of them, when said town shall think necessary to build said roads.

Voted. To pass indefinitely the 5th article in the above notification.

TOWN MEETING, *August 6th*, 1842.

Article 2d in the notification. To see if said town will vote to raise money on the grand list of said town to build the road, or any particular section thereof, to wit: from the north line of Brattleboro', near the dwelling house of Eppa Cone, to the top of Murder Hollow hill, so called, and for the non building of which road, the town of Dummerston now stands indicted before the county court.

August 6th, 1842.

Voted. To adjourn this meeting until the first Monday of March next.

March 6th, 1842.

Town met pursuant to adjournment, and *voted*, to adjourn for two weeks; then to meet at the hall under the Congregational meeting-house at one o'clock, P. M.

March 13th, 1842.

The town met pursuant to adjournment; opened said meeting, and *voted*, to adjourn for a short time. And again opened said meeting; motioned and seconded to raise six hundred dollars, to be laid out on the Indicted road, between Brattleboro' north line and Luther Allyn's, in Dummerston, when said motion being lost, *voted*, to adjourn *to adjourn* this meeting without day.

TOWN CLERK'S OFFICE, DUMMERSTON,
May 25th, 1843.

The above and foregoing are a true copy of record.
Attest: JOSEPH DUNCAN, *Town clerk.*

TOWN CLERK'S OFFICE, DUMMERSTON,
May 25th, 1843.

I hereby certify, that the number of legal voters for raising money in said town of Dummerston, as appears by the grand list of said town for the year 1842, are about 245.

Certified by,

JOSEPH DUNCAN, *Town clerk.*

Voted. To choose a special agent for said town to superintend and manage the business respecting the new laid stage road from Brattleboro' to Putney, through said Dummerston, through the Nurse swamp and Slab hollow, so called; and chose Asa Knight, esq.

Motioned and *voted.* That said Asa Knight, as special agent, be, and hereby he is, instructed to defeat, if possible, the acceptance by the court the report of the committee who lately laid out said road thro' Nurse swamp and Slab hollow, so called, and to throw the cost and expense of laying out said road on the petitioners, if possible.

Motioned and *voted.* To borrow $600 of surplus revenue, to be laid out on Indicted stage road, from Lemuel Preston's to Brattleboro' north line, under the direction of the selectmen. Upon said vote being contested, a division of the house called and taken, when it was declared by the moderator, a *vote*, there being affirmative 67, negative 53.

TOWN CLERK'S OFFICE, DUMMERSTON,
May 8th, 1843.

I hereby certify, that the above is a true copy of the record of those votes passed by said town of Dummerston, at a meeting of said town, legally warned, and holden on the 6th day of August, A. D. 1843.

Attest: JOSEPH DUNCAN, *Town clerk.*

TOWN CLERK'S OFFICE, DUMMERSTON,
June 6th, 1843.

I hereby certify, that John B. Miller was legally chosen *to* an agent for the town of Dummerston for the current year, at the annual meeting of said town, legally warned and holden on the first Monday of March last past.

Certified by me,

JOSEPH DUNCAN, *Town clerk.*

STATE OF VERMONT, *Windham county court:*

[L. S.] CLERK'S OFFICE, *New Fane, A. D.* 1844.

I certify that the preceding are true copies of the original files and records of said court in said cause, and also of the testimony taken and used in the case now remaining in this office.

In testimony whereof, I have hereunto set my hand, and affix the seal of said court, the day and year above written.

Attest: MARSHALL MILLER, *Clerk.*

Filed, 1844.